THE EDITORS: RUN, HILLARY, RUN!

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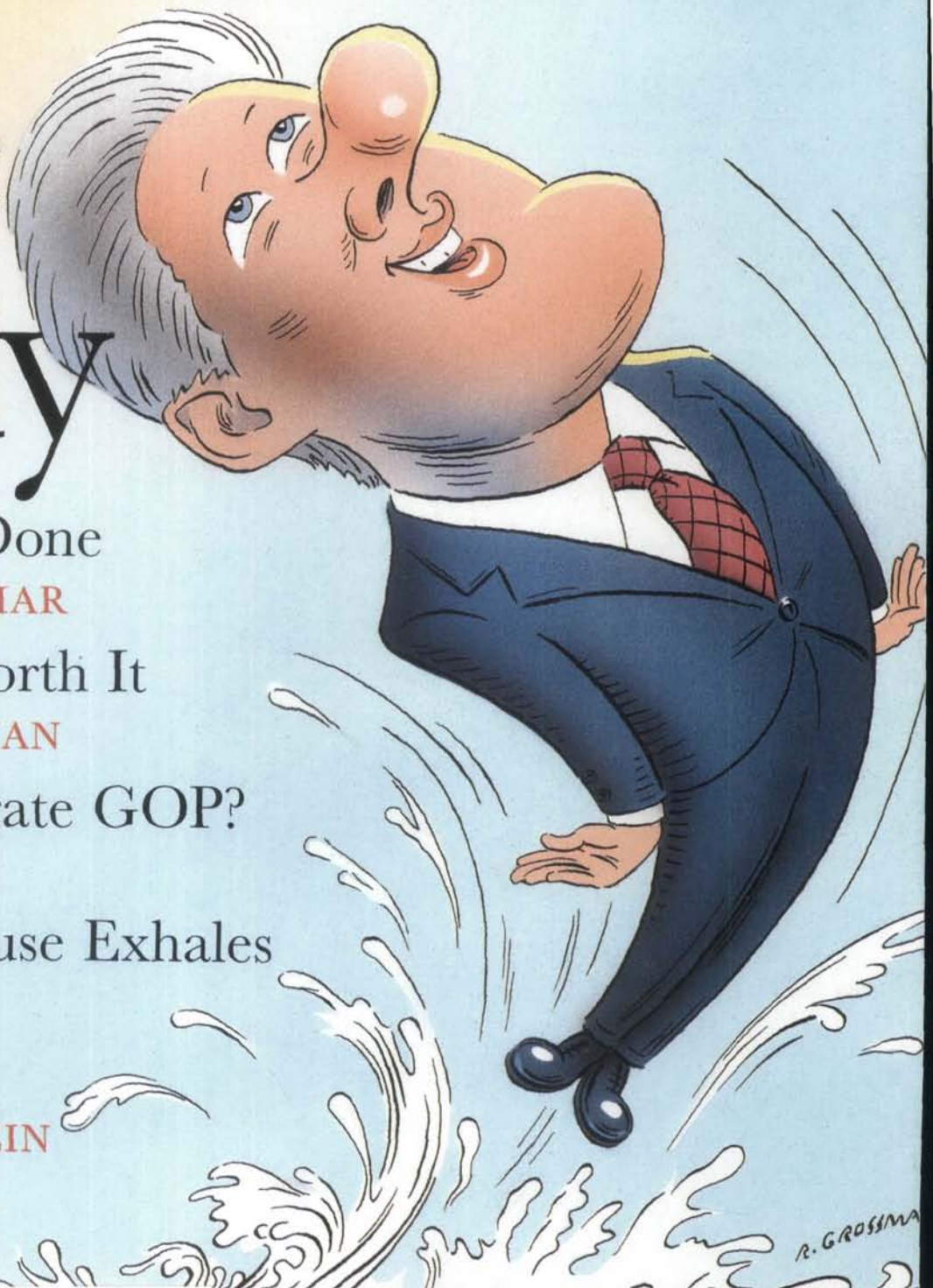

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Why It Was Worth It
ANDREW SULLIVAN

A More Moderate GOP?
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The White House Exhales
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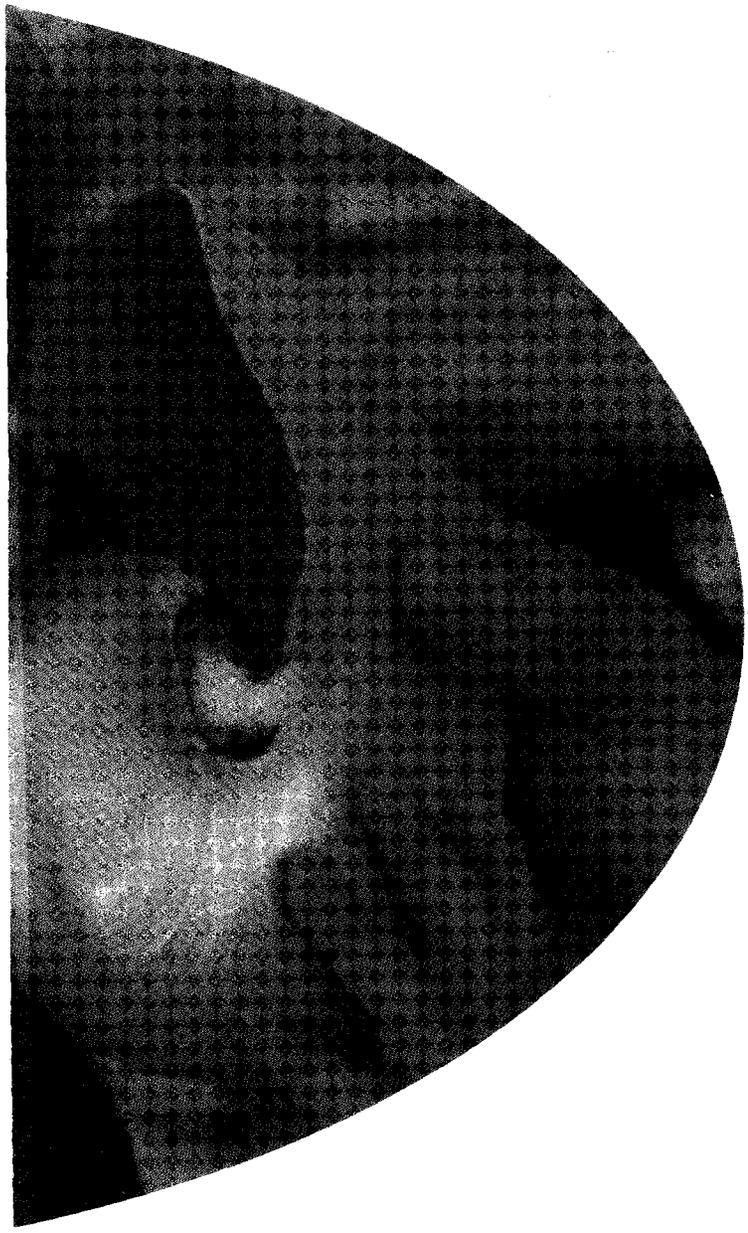

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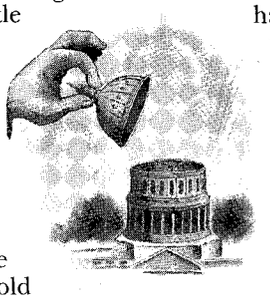
FROM WASHINGTON

Tubby ache

Before our child was born, I was one of those would-be parents who swore he'd never let his kid watch television, much less depend on the tube to serve as a baby-sitter. What was I thinking? Now I feel a strong personal interest in the defeat of Jerry Falwell's campaign to trash "Teletubbies," the PBS show for the under-two set that Falwell claims is subtly promoting homosexuality. To give you a sense of where I'm coming from on this, consider what my family just went through this morning. My wife and I are trying to get our 21-month-old boy dressed and into the car for toddler preschool, and he is thrashing about furiously, refusing to yield his position in front of the television set. "I want see 'Teletubbies,'" he is wailing. "I want see 'Teletubbies.'" Our sense of pride at this precociously elaborate diction is greatly diminished by our fear of his miniature but painful kicks and blows. And our only way out of the crisis is the promise that, if you're a good boy and go to school today, you can see "Teletubbies" tomorrow morning.



It's bad enough the little sprout got hooked on the show. And, I admit, it's our own fault that we came to rely on it to pacify him while we have our hands full with other tasks in the early a.m. But can you imagine the hell we'd be put through if he suddenly had to go cold turkey?

For those of you who haven't seen the show yet, it basically consists of a 30-minute frolic by four fuzzy, toddler-shaped creatures named Tinky Winky, Dipsy, Laa Laa, and Po. They cavort through a fairy-tale landscape called Teletubbyland, discovering things like butterflies and puddles and, occasionally, eating a baby-food-like substance known as Tubby Custard (which is, not coincidentally, the new name for mashed potatoes at our house).

However, Tinky Winky sometimes runs around carrying a plastic purse. He is also purple, and the "antenna" on his head (don't ask me to explain) is shaped like a triangle. Putting these facts together—purple is the gay pride color, the triangle is a gay pride symbol, and the purse is, well, a purse—Falwell's *National Liberty Journal* has issued a "PARENTS ALERT" warning all decent people that "these subtle depictions are no doubt intentional." Beware the promotion of homosexuality—and on taxpayer-supported public television to boot. (Kellogg's Rice Krispies is the show's leading commercial underwriter.)

As even some conservatives have rushed to point out, Falwell's protest is idiotic. But it's worth explaining exactly why it's so silly. You see, I actually would have a problem if Tinky Winky or any of the other Teletubbies were discernibly gay. This isn't because I am intolerant of homosexuality. It is because I think any depiction of sexual behavior, gay or straight, is way over the heads of, and therefore totally inappropriate for, an audience of people under 24 months old. If Po, who is female, suddenly started kissing and groping the male Dipsy the way Monica tears into Chandler on "Friends," I'd switch off my set in a heartbeat and go stand on the picket line with Falwell, no matter how much my kid howled.

But obviously the show's producers are telling the truth when they say they never intended to sexualize Tinky Winky or any of the other Teletubbies. There are two reasons why I believe them. First, given their reliance on government and corporate funding, it would have been suicidal to try to bring a pro-gay message, or any other controversial sexual or political content, into the show. (I can just see the pitch meeting at Kellogg's: "Here's the concept: the red one is a girl but the purple one is a homosexual—it's 'Veronica's Closet' meets 'Sesame Street'!") And, second, it would be ridiculous. The Teletubbies are supposed *to be* toddlers. Toddlers are physically, mentally, and in every other way lacking in sexuality—gay, straight, or otherwise. Sometimes a purse is just a purse.

So, as a parent interested in the perpetuation of a useful show that not only provides a way to keep our kid temporarily quiet but also has imparted lots of

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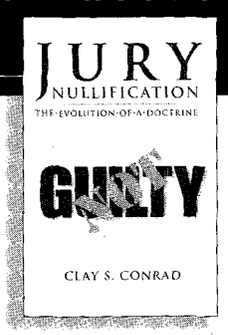
What Everyone Should Know about the Powers of the Jury



Central to the history of trial by jury is the right of jurors to vote "not guilty" if the law is unjust or unjustly applied. When jurors acquit a factually guilty defendant, we say that the jury "nullified" the law. The Founding Fathers believed that juries in criminal trials had a role to play as the conscience of the community, and relied on juries' nullifying to hold the government to the principles of the Constitution. Yet this power of jurors has been derided and ignored by American courts, to the point that today few jurors are aware that an important part of their role is, in the words of the Supreme Court, to "prevent oppression by the government." **311 pp./$22.50 paper**

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A Weekly Journal of Opinion

MARCH 8, 1999

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CORRESPONDENCE

Left out

To the editors:
Walter Shapiro ("Blind Faith," February 1) writes that President Clinton "is, at his core, an old-style moderate Republican." But Shapiro gets closer to the real problem when he suggests that Clinton has no core, that he is driven by an "amoral lust for power for its own sake." Not only has this man failed to really serve the liberal and Democratic legacies he inherited; he has frequently dishonored them. And I suspect the situation is even more dismal than Shapiro believes: the inability of liberals and Democrats to appreciate the seriousness of Clinton's failings suggests not only that he has corrupted them but that they were ripe for the corrupting.

GORDON SULLIVAN
Davis, California

To the editors:
Liberals like Walter Shapiro love to beat up on Clinton for kicking people off welfare, but they overlook such things as a raise in the minimum wage, tax relief for lower-income people with children, expansion of the Earned Income Tax Credit and of Medicaid benefits for children, and other initiatives to help the working poor and lower middle class. Can you imagine a Republican who would do such things?

JEANETTE B. WELCH
Warrensburg, Missouri

To the editors:
I'm not from Arkansas, but I was still offended by the statement in Walter Shapiro's article that "[w]hen it comes to sex, Clinton has always been halfway between Arkansas and adolescence." I can only assume that Shapiro means to conjure up an image of Arkansas being full of uneducated hicks who would chase anything in a skirt. "Arkansas" and "adolescence" may make for nice alliteration, but that doesn't justify such an insulting and offensive statement.

FREDRIC P. ANDES
Vernon Hills, Illinois

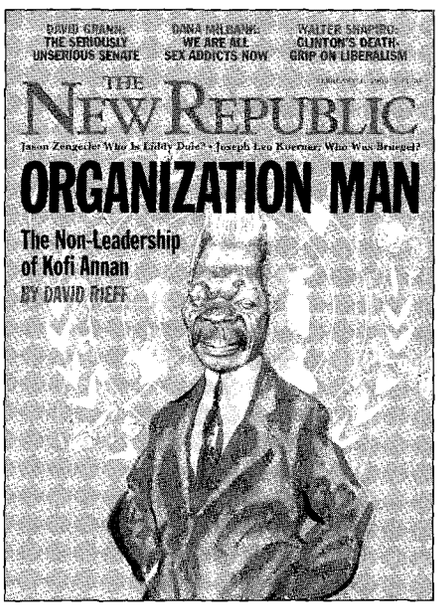
True believers

To the editors:
In "Godforsaken," James Wood speculates on several supposed features of God's reasoning (February 1). However, he overlooks an aspect of God's rationality that is more logical than any that he describes, which is that God invented unquestioning faith in him as the cardinal test determining who deserves the everlasting life God promises in return.

What would be the most demanding trial imaginable in this regard that God could devise? It would be that a person must maintain his/her faith in spite of sadistic treatment from God.

PATRICK GROFF
San Diego, California

To the editors:
James Wood's ruminations show the futility of attempts to prove God's existence. Still, I would offer three reasons to believe in God, even while avoiding the temptation to prove that He exists: *(a)* God speaks and otherwise reveals Himself (granted, revelation is scarcely


DAVID GRANN: THE SERIOUSLY UNSERIOUS SENATE
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THE NEW REPUBLIC
ORGANIZATION MAN
The Non-Leadership of Kofi Annan
BY DAVID RIEFF

authoritative for those not so touched); *(b)* Richard Rorty notwithstanding, life without God reduces to mere impressions and pointless desires; and *(c)* life is better with God in it (as the old commercial said, "Try it—you'll like it!").

JON M. FENNELL
Naperville, Illinois

To the editors:
Regarding James Wood's Diarist, I believe that Archibald MacLeish put it more succinctly in his play *J.B.* when he had Satan say, "If God is God He is not good, if God is good He is not God. Take the even, take the odd."

SHARON J. ROSEN
Providence, Rhode Island

Above the law

To the editors:
I did not find Charles Lane's argument on the Paula Jones settlement to be supported by his case example ("Cashed Out," February 1). He claims that the Founding Fathers desired a president to be free of pressures that "might warp, or even appear to warp, the decisions he makes on behalf of the country." But the spirit of that clause presupposes the lawsuit causing the pressure was unfounded. President Clinton made his own warped decisions—to have an affair while in the midst of a sexual harassment case—after a similarly warped decision to carry on an affair with Gennifer Flowers. While I agree that a president should be free of financial pressures from lawsuits, let's wait for an unjust or frivolous lawsuit against a standing president to make such an argument.

MARK GOTVALD
Pleasant Hill, California

Tone deaf

To the editors:
I was flattered to be quoted in the February 1 Notebook for my statement during my radio show that Representative Bob Barr is a "role model" for children. But in citing the text you omitted the ironic tone of my commentary turning on the fact that Bob Barr's supporters are placing a thrice-married man ahead of Bill Clinton as the North Pole for our kids' moral compasses.

DAVE ROSS
"The Dave Ross Show"
Seattle, Washington

Truth in labeling

To the editors:
Reading that Marge Roukema is a liberal Republican made me laugh out loud ("Going to Extremes," by David Grann, January 4 & 11). Even referring to Roukema as a moderate is a stretch, since her approval rating by the American Conservative Union for 1998 is twelve points higher than that of Al D'Amato.

I hope that the voters in Bergen County, New Jersey, will remember her four votes for the impeachment of the president and realize that just being labeled "pro-choice" doesn't make a politician independent or moderate.

BARBARA BOUTON-GOLDBERG
Englewood, New Jersey

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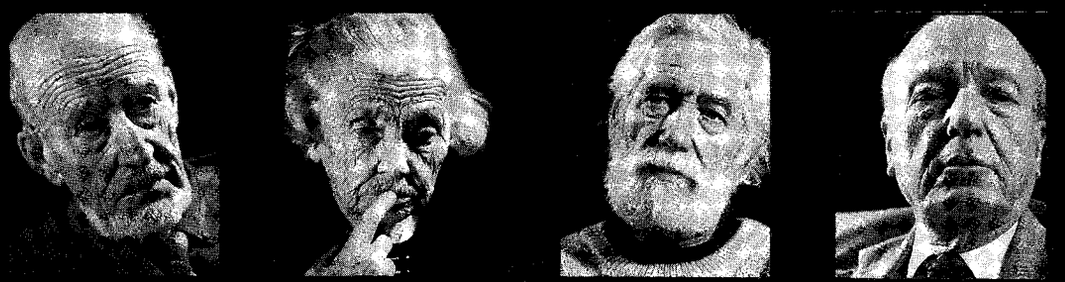

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Issues in Health Care

#1 in a series

Think we spend too much on pharmaceuticals? Think again.

by Alan F. Holmer

"How do we contain rising prescription drug costs?"

This question is being asked in board rooms, editorial columns, state legislatures and in Congress. Unfortunately, it's the wrong question. And since we're asking the wrong question, the answers we're getting are wrong, too.

By focusing narrowly on the cost of prescription drugs and ignoring their value — to patients, to the health care system, to the economy — we're in danger of being penny-wise and pound-foolish. For example, some state legislatures are cutting budgets for Medicaid drug programs, and restricting the access of Medicaid patients to medicines that could keep them out of hospitals and emergency rooms. Some managed care groups are steering patients away from innovative medicines that could get them back to work faster, and toward older, less effective drugs. Congress and some states are considering legislation that would slap price controls on 40 percent of the prescription drug market — which could mean fewer breakthroughs in the future.

A growing body of evidence suggests that, for many diseases, increased use of medicines helps contain overall health care costs while improving patients' quality of life. Ulcer medicines, for example, actually reduce treatment costs by replacing the more expensive alternative — surgery. Others, such as innovative schizophrenia medicines, allow patients to be treated more cost-effectively in the community rather than in more costly hospital settings; asthma medicines save money by reducing the frequency and severity of illness, resulting in fewer hospitalizations and trips to the emergency room; antidepressants and drugs for migraine headaches reduce the indirect costs of illness by lowering absenteeism and improving worker productivity. Many more drugs, such as vaccines and high blood pressure medicines, prevent illnesses from developing in the first place.

By focusing narrowly on the cost of prescription drugs and ignoring their value...we're in danger of being penny-wise and pound-foolish.

Here are three examples of how the greater use of cost-effective medicines could save money as well as lives:

A recent study in the *New England Journal of Medicine* showed that giving ACE inhibitor drugs to patients with congestive heart failure reduced the death rate by 16 percent and saved nearly $9,000 per patient in hospital costs. Considering the number of people at risk for congestive heart failure, additional use of these drugs could save an estimated $2 billion each year.

Another type of heart drug called a beta-blocker has been shown to reduce deaths in heart attack patients and to save hospitalization costs by preventing second heart attacks. Yet, a recent study published in the *Journal of the American Medical Association* found that these drugs are being prescribed for only half the people who could benefit from them.

Additional spending on a clot-busting drug for stroke patients could yield enormous savings — both in human suffering and in health care dollars. The drug, when used within the first three hours of the onset of a stroke, has been shown to reduce the danger of permanent brain damage. This not only improves the quality of life for patients — it also saves money. The drug costs an additional $1,700 per patient, but a recent study showed that reduced rehabilitation and nursing home stays saved an average of $6,100 per patient. According to the National Institutes of Health, by using the drug tens of thousands of eligible stroke patients could save the health care system more than $100 million a year.

Pharmaceutical research is yielding next-generation drugs that are more powerful and precise than existing medicines, and new drugs that offer hope to millions of patients with illnesses that have eluded medical science — epilepsy, multiple sclerosis, Parkinson's disease, Alzheimer's and others. America's pharmaceutical companies spend billions of dollars each year — $24 billion in 1999 alone — to discover new and improved treatments. But today's progress in treating disease and tomorrow's promise for cures are only possible when the legislative environment favors pharmaceutical innovation. It would be tragic if too much emphasis on the cost — rather than on the value — of medicines spoiled this pro-innovation environment and the progress that comes with it. Progress has a price, but the value of this progress is priceless.

Once we understand the value of state-of-the-art medicines for today's patients and the promise pharmaceutical research offers for tomorrow's, maybe we'll start asking the right question:
"How can we afford <u>not</u> to spend more on prescription drugs?"

PhRMA

Alan F. Holmer is President of the Pharmaceutical Research and Manufacturers of America, which represents the country's leading research-based pharmaceutical and biotechnology companies.

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THE NEW REPUBLIC

MARCH 8, 1999

RUN, HILLARY, RUN!

Now that Bill Clinton's political future has been settled, Topic A in Washington is the political future of his wife. Should Hillary Rodham Clinton run for the Senate in New York in 2000? She has let it be known she'll decide "later this year." We think she should quit hedging (and thereby quit selfishly forcing other would-be candidates to put their own planning on hold). Run, Hillary, run. We're far from certain that her brand of righteous liberalism is what the people of New York want or need in the United States Senate. But we are sure that it would be healthy for the country to find out. For the past six years, the first lady has played the power behind the throne in Bill Clinton's White House, wielding the kind of unofficial clout over both personnel and policy that makes staffers quake in their boots—but for which she cannot formally be held accountable. It's time that this democratically untenable situation came to an end.

All first ladies risk being accused of meddling in affairs of state—and, in many cases, the charges are accurate. (Remember Nancy Reagan and her astrologer?) Even before the start of the Clinton presidency, however, Hil and Bill were particularly brazen about portraying themselves as a two-for-the-price-of-one package deal. But as critics—TNR included—pointed out at the time, only one member of the team answered directly to the voters. Hillary's role fostered widespread mistrust, especially when she took the helm of the administration's health care plan in 1994, directing what would have been an overhaul of one-fifth of the nation's economy from behind closed doors. Her high-handedness and sanctimony played badly in Congress and helped doom the plan—and then, in the 1994 congressional elections, the HillaryCare fiasco helped defeat the Democratic Party, too.

After that, the White House labored to recast the first lady in more traditional, apolitical terms, turning her into a cheerleader for wholesome-sounding causes like child care and human rights—and dispatching her on goodwill tours around the globe. But, even in her lower-profile role, the first lady continued to call many of the shots at the White House and to raise hackles with her occasionally errant policy pronouncements. Of particular note, speaking via satellite to a group of Arab and Israeli children gathered in Switzerland last May, she observed: "I think it will be in the long-term interests of the Middle East for Palestine to be a state." This clumsy (but undoubtedly intentional) utterance at a sensitive moment prompted then-Representative Charles Schumer to charge that the peace process had been damaged. The White House apparently agreed; it felt constrained to dismiss Clinton's sentiments as "personal" remarks that in no way reflected a shift in the long-standing U.S. policy that the ultimate political status of the Palestinians should be worked out in talks with Israel. But it was too late: Arab and Israeli leaders, perfectly aware of whose opinions count at 1600 Pennsylvania Avenue, had already drawn their own, rather different conclusions.

It would be interesting to see how the first lady handles questions about this misstep when she visits, oh, say, Brooklyn during her New York campaign. She would have to make the political Hobson's choice between standing up for her view or disavowing it—and she would have to make similar choices on a whole range of complex policy issues ranging from trade to Social Security reform to crime to welfare. And what the Republicans didn't press her on, the media would. Hillary has never had particularly warm relations with reporters. As an unelected and formally unaccountable first lady she can deal with the press on terms of her own choosing. But as a Senate candidate Hillary would forfeit that right. The press would be entitled to question her not only about her favorite policy issues but also on her least favorite personal questions—everything from her curious dealings with an Arkansas commodities trader to the missing Rose Law Firm billing records.

Early polls show her ahead of New York City's Republican mayor, Rudy Giuliani, and the buzz is that Giuliani would bow out of the Senate race rather than take on Hillary. A Giuliani wimp-out would be a shame, not only because it would represent the presumptive victory of a democratically untested politician over a twice-elected public official with a solid record of accomplishment. It would also validate the first lady's too-cute transition from feminist icon to apostle of celebrity victimhood. As a policy wonk trying to overhaul the nation's health care system, she was loathed by the public. As a wronged wife smiling serenely on the cover of *Vogue*, she is America's

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darling. This is a posture that also deserves to be tested in the rough-and-tumble of the electoral arena.

Despite her reputation—and self-conception—as a feminist, the truth about Hillary is that her career in law and politics has been largely derivative of her husband's career; her power and her celebrity are, and always have been, a function not only of her own smarts but also of her marriage to this particular politician. Even before the Year of Monica turned her into a postergirl for wronged womanhood (in heaven, Tammy Wynette is enjoying a hearty, ironic chuckle over that), Hillary Rodham Clinton never truly personified female liberation but rather the old adage that behind every great man stands a great woman. Win or lose, entering the New York Senate race would at last oblige Hillary to step out from the shadow of the flawed man she has been standing by so steadfastly, and it would let some actual voters decide just how great she really is. •

NOTEBOOK

FORCE FEEDING: The horrific famine visited upon the Ukraine by Stalin during the late '30s was a great crime against humanity—and also the setting for a journalistic crime of the century. Americans and their government were kept confused about the situation thanks to Walter Duranty, then *The New York Times*' Moscow correspondent, whose Communist sympathies led him to report Stalin's denials of the famine as fact and, indeed, to dismiss all evidence to the contrary. In our day, fortunately, a journalist like John Pomfret of *The Washington Post* is covering the state-created famine in Stalinist North Korea. Last week, in a pair of gripping articles, Pomfret documented what critics of the Clinton administration's policy of engagement toward the despotic North Korean regime have always said: not only is the famine in North Korea much worse than the dictatorship headed by Kim Jong Il will admit, but the regime is systematically diverting foreign food aid (much of which comes from this country) to North Korea's ruling Communist Party and to the army. In interviews with some of the thousands of Korean refugees who have escaped to a remote region of China since the famine struck North Korea in the mid-'90s, Pomfret discovered that North Korean women are being sold to Chinese smugglers to pay for food; that the intended recipients of aid go long stretches without seeing any food; and that the government restricts outside monitors' travel to such a degree that their reports are all but meaningless. As a result, the Stalinist government is able to pursue large-scale ballistic missile and nuclear programs while hundreds of thousands of its subjects starve to death each year. With the American-backed program of international food aid clearly serving only to compound the North Korean people's problems, the United States must urgently reevaluate its policy—beginning, perhaps, with some lessons from Herbert Hoover. In the early '20s, Hoover helped to save some ten million lives while leading the American Relief Administration's efforts against yet another famine in the Soviet-controlled Ukraine. The relief came with strings attached: aid workers were to be given complete freedom to travel and monitor while administering aid; U.S. prisoners were to be freed; and gold filched from the czars during the Russian Revolution was to be given to the United States to help pay for food and medical supplies. The Bolsheviks complied; they ended up contributing $18 million of the $78 million in total aid. It's time North Korea's Stalinists were presented with a similar set of conditions—starting with a direct demand that the North cease building missiles before we permit another sack of flour to be shipped. And if Pyongyang refuses—as it almost surely will—then the United States should not flinch about cutting off food aid altogether. As Pomfret's reporting demonstrates, the primary victims of such a cutoff would be the people who are responsible for the famine in the first place.

BUSTED TERRORIST: Greek diplomatic installations across Europe have been the targets of coordinated attacks by Kurdish militants, enraged by the fact that Turkish agents were able to pry Kurdish separatist leader Abdullah Ocalan from Greek custody in Nairobi, Kenya, and whisk him back to Turkey to stand trial for terrorism. But, if all goes well, this coordinated outburst of violent protest should be the last gasp for the Kurdistan Workers' Party, the organization that Ocalan directed from a hideout in Damascus, Syria, until the Syrians sent him packing under military threat from Turkey in October. The issue of Kurdish rights in Turkey is, of course, a complex one. The Kurds, who make up a fifth of Turkey's population, are a nation without a state; they must have greater dignity and autonomy both because they are entitled to it and because this is necessary to stabilize Turkey over the long run. Yet Ocalan's murderous war, supported by Syria and other regional troublemakers, only served to provoke a vicious military crackdown by Turkey's government. Ocalan's strategy, like that of many self-appointed national liberators, was that things had to get worse for his people before they could get better. But they just kept getting worse and worse. Now it is Ocalan who faces trial and probable execution in Turkey, a brutal circumstance that could nonetheless pave the way for a more peaceful and stable Turkey and, indeed, for a better life for the vast majority of Turkish Kurds who wanted nothing to do with Ocalan's violent crusade. The Clinton administration, which has been trying to arrange Ocalan's peaceful return to Turkey for months, denies that it was involved in the operation that resulted in his capture. Turkish officials say American FBI agents based in Kenya tipped them off that he was in Nairobi. If so, it means the Clinton administration was able to act tough when it was both in our own interests and in the interests of an important U.S. ally in the Middle East to do so. In other words, we hope the Turks are right.

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LET'S GO TO THE VIDEOTAPE: As every TV-watcher knows, the first thing a cop is supposed to do when he arrests someone is to read him his rights. The "*Miranda* warning," which lets a suspect know he has a right to remain silent and a right to an attorney, was embedded in American culture by a 1966 Supreme Court ruling designed to prevent the police from coercing or tricking anyone into confessing to a crime. Any evidence the police got from a suspect who hadn't been read his rights would not be admissible at trial, the Court held. But the seemingly unequivocal language of *Miranda* was both too weak for the defense bar and civil libertarians and too restrictive for police departments and prosecutors. The result was three decades of litigation; a series of pro-police decisions have created a *Miranda* rule that is as diluted in practice as it is ubiquitous on television. Still, police departments have continued to maintain that the rule ties their hands, and they won their biggest victory ever over *Miranda* last week, when the Fourth Circuit Court of Appeals decided that the 1966 decision had been superseded by an obscure statute enacted in 1968. This has left many observers aghast, fearing that, if *Miranda* notification is eliminated, we'll be back to the bad old days of rampant police torture and massive legal confusion. Not necessarily. It should be easy to craft a new, more effective rule that updates *Miranda* to take account of modern technology: the cops would still have to read you your rights, but that—and everything else said between the police and the suspect—must be videotaped. Information that's not on the tape would still be admissible in court, but judges would instruct the jury to treat it as inherently suspect. This would provide a clear rule for the cops, eliminating the tangle of *Miranda* jurisprudence that induces so many of them to seek clever ways around the current law. And it would provide a clear, secure form of protection for suspects. The cops can't very well beat a confession out of you if they know that a jury will get to look at your bruised and bloodied face later on. This rule would hardly require a revolution in police procedures. Already, in more than 2,000 police departments across the country, law-enforcement officials are videotaping suspects' confessions and, in some cases, their entire interrogations. According to police consultant William Geller, videotaping serves "the disparate interests of efficiency, effectiveness, and legitimacy." His 1992 survey for the Department of Justice revealed that 80 percent of the police departments using videotape say it has helped elicit guilty pleas, and none said that videotape hindered them. In recent years, two states, Alaska and Minnesota, have passed laws requiring all interrogations to be taped in their entirety, and big cities such as New York, Philadelphia, and San Diego have implemented taping programs. The Fourth Circuit's ruling could provide the Supreme Court the perfect opportunity to modernize *Miranda* accordingly. The Court should seize it.

THIS JUST IN:

New Book Says Clinton Enemies Had Key Role in Impeachment Affair

—*Los Angeles Times*, February 15.

DON'T ASSUME WE'RE FEMINISTS: The National Organization for Women seems to be suffering from split-personality disorder. For years, the group has protested the stereotyping of women as nurturing souls whose only place is in the home. So why has the organization suddenly decided to release its own cookbook? "NOW has always encouraged the nourishment of women's minds and souls," writes President Patricia Ireland in a breezy press release, "so it seems natural for us to write a book about nourishing the body as well." OK—but, if it's so natural, how are we to account for the title NOW chose: *Don't Assume I Cook*. Looks like NOW wants to bake its cake and eat it, too. •

WHITE HOUSE WATCH

THE DAY AFTER

By Dana Milbank

A few hours after the Senate acquitted President Clinton last Friday, Paul Begala celebrated by taking his young sons to the rodeo. The weary presidential counselor had come for some relaxation; instead, he found allegory. The rodeo announcer declared that a fellow named J.W. Hart would be riding that night—for the first time since a nasty spill last year earned him 80 stitches and 30 staples in his head. Good ol' J.W., the announcer said, had to pull out some of the staples that night just to put on his ten-gallon hat. "For me, it was a fitting metaphor," Begala says. "You get sutured up and climb back on. My heart went out to him: there he was, back on that bull."

The White House staff, too, was back on its pre-scandal bull this week. After a three-day weekend and a presidential jaunt to Mexico, the senior staff meeting

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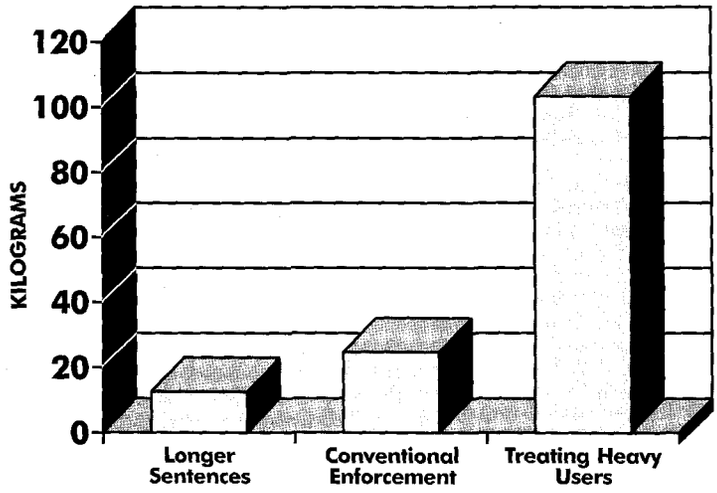
The RAND Corporation finds that drug treatment is more effective and far less costly than longer sentences or conventional enforcement!

The graph at right illustrates that treating heavy cocaine users could reduce consumption by 103 kilograms per extra million dollars.

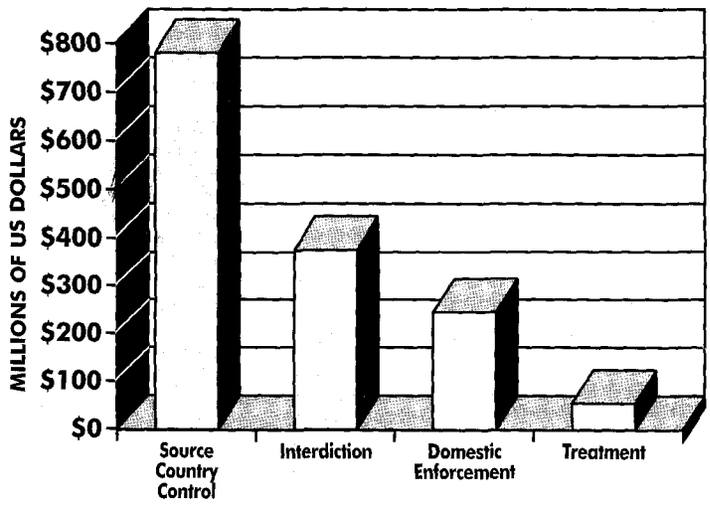
Additional treatment is 4 times more effective than adding law enforcement and 8 times more effective than increasing sentences in reducing cocaine use.

Source: *Throwing Away the Key or the Taxpayers' Money?* (1997), RAND Corp.

COCAINE CONSUMPTION PREVENTED PER ADDITIONAL MILLION DOLLARS SPENT



COST OF REDUCING COCAINE CONSUMPTION BY 1%



The graph compares the cost of reducing cocaine consumption by 1% nationally with 4 different strategies.

Because it actually reduces the demand for cocaine and the societal costs of drug use without requiring massive prison spending:

Added drug treatment is 15 times more effective than law enforcement at reducing the societal costs of cocaine use.

Source: *Controlling Cocaine: Supply Vs. Demand Programs.* (1994), RAND Corp.

Why aren't we investing in drug control strategies that really work?

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Tuesday was almost boring in its efficiency. Counsel Charles Ruff, after months in the spotlight, delivered a one-word report: "Nothing." Press Secretary Joe Lockhart stepped up the push for a first-in-ages Clinton press conference amid signs the president might actually do it. The White House drug office, of all things, delivered the longest report of the morning, and representatives of the bureaucracy's alphabet soup—OMB, CEQ, DPC, NEC, NSC—basked in their sudden return to relevance.

"All these people who had been on page twenty-one for the last year are now on page one," says one top Clinton aide. The White House plans a profusion of Social Security and USA Account events, plus new attention for Kosovo, Iraq, and even Ghana. One long-neglected national security adviser remarked excitedly to his colleagues: "Sixty-four foreign policy stories today in *The New York Times*! It's like the old days!"

As for the scandalmen, it's more like nap time. "I was thinking of having a 'WILL SPIN FOR FOOD' sign made up," says Jim Kennedy, the scandal spokesman. "It's amazing: my pager didn't go off once on Sunday." Kennedy, who, like most staffers, took President's Day off, will spend the next few days cleaning off his desk.

DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

Things are much the same for the White House press corps, which, after a year of wishing away the scandal, seems to have more of a sense of dread than relief. There was an eerie calm in Washington the Day the Scandal Died. Nobody was staking out the Mayflower. Not a camera was posted outside Monica's lawyers' offices. At the White House's Northwest Gate, where Monica threw her now-infamous jealous fit upon learning from the Secret Service that her man was in the Oval Office with another gal, all was quiet. Inside the briefing room, bored photographers were watching a TV talk show titled "My Daughter Dresses Too Revealing." Out on the lawn, television correspondents were applying makeup, getting ready to tell the world what it already knew: Clinton was off the hook. The only disturbance was a stiff breeze, which disrupted the correspondents' equipment—and hairdos. A few minutes before the vote, a windswept Sam Donaldson stormed into the briefing room, shouting "Jesus Christ!" A woman laughed. "Hold that toupee," she said after he passed.

There were occasional bursts of jubilation as the afternoon progressed, first with the Senate acquittal and then with the Clinton acceptance speech. "He's free! Free Willy!" a gentlelady of the press exclaimed. But despite the professions of relief, reporters quietly confided to each other a different sentiment—boredom. "Who are we going to throw out now?" one asked. "It doesn't feel very historical, does it?" mused another. "Now what are we going to write about?" a reporter for a big daily asked. "That," somebody responded, "is what I'm afraid of."

Me, too. How are we going to fill our pages without the scandal? Are we now to turn to the much-neglected stories of the past year? Will we finally learn the details of the education policies Monica Lewinsky shared with the president? Will we explore the legal precedents in Ken Starr's defense of Meineke Discount Muffler? The boredom has already set in. Even before the vote, the press was trying to make the roll call into a parlor game, predicting the irrelevant matter of whether there would be 50 votes for either charge. By the Monday following the vote, deflated networks were already returning to JonBenet Ramsey. NBC's Jamie Gangel, who snagged the first Linda Tripp interview, was reduced Tuesday to doing a way-too-long segment on the revival of roller derby.

At the moment, the press is entertaining itself by trying to catch Clinton and his aides in flagrante delicto, gloating. Lockhart felt compelled to declare the White House a "gloat-free zone," and the no-gloat policy was so strictly enforced that the press-office staff showed not so much as a grin when Clinton was acquitted. Lockhart's office curtains were drawn Friday to hide whatever gloating happened inside. Photographers with

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The Way We* See It

THE ABILITY TO DEFINE AN OPPONENT IS UNIVERSALLY RECOGNIZED AS A DECISIVE EDGE IN POLITICS. In America, liberals have come to possess that ability through their pervasive influence in the culture. As a result, the political spectrum runs the gamut from "liberal" to "moderate" to "conservative" and then "right," without the balance of a political "left." No one—not the *New York Times*, nor the *Washington Post*, nor the Republican leaders of the House—refers to Minority Whip David Bonior or Black Caucus chair Maxine Waters as leftists. But everyone refers to Newt Gingrich and Trent Lott as men of the right.

IS THERE A LEFT IN AMERICA? Liberals regularly deny it. But fifty-eight Democratic members of the House (including Bonior and Waters) have formed the Congressional Progressive Caucus to work on a left-wing political agenda.

IT IS TIME TO RE-EXAMINE THE LABELS THAT DEFINE AMERICAN POLITICS. It is too late to restore the term "liberal" to neo-conservatives or Goldwater Republicans, where it belongs. But it is not too late to stop calling people who are actually leftists, liberal. That's the way we see it at ***FrontPage***.

LEFT

FAR LEFT	LEFT	LEFT LIBERAL	MODERATE LIBERAL
Noam Chomsky	Hillary Clinton	Al Gore	Bill Clinton
Malcolm X	Stokely Carmichael	Martin Luther King	Gene McCarthy
Jane Fonda Hayden ('80s)	Jane Fonda Turner ('90s)	Eleanor Clift	Jane Fonda Vadim ('60s)
Kwame Ture	Sen. Paul Wellstone	Sen. Ted Kennedy	Sen. Tom Daschle
Catharine MacKinnon	Patricia Ireland	Donna Shalala	Geraldine Ferraro
Z Magazine	*The Nation*	*New York Times*	***The New Republic***
Covert Action	*Village Voice*	*Washington Post*	*WSJ* Feature Pages
Pacifica Radio	NPR	CNN	ABC, CBS, NBC
Homer's mother	Lisa Simpson	Mayor Quimby	Marge Simpson
Revolutionary Communist Party	Congressional Black Caucus	Democratic Party	Democratic Leadership Council
Greenpeace	Both NEAs	Urban Institute	Brookings Institution
Campus Organizing Committee	MacArthur Genius Awards	Ford Foundation	Carnegie Endowment
Verso	Most University Presses	99% of Book Publishers	The Free Press
Queer Studies	English Lit.	Political Science	Languages
Order of Che	National Book Award	Pulitzer Prize	Humanitas Awards
Louis Farrakhan	Toni Morrison	Spike Lee	William Raspberry

RIGHT

MODERATE CONSERVATIVE	CONSERVATIVE	RIGHT	FAR RIGHT
Bob Dole	Ronald Reagan	Pat Buchanan	David Duke
Richard Nixon	John F. Kennedy	Barry Goldwater	George Wallace
Jane Fonda Fonda ('50s)	Bill Bennett	G. Gordon Liddy	Jared Taylor
President George Bush	Newt Gingrich	Gary Bauer	Lou Sheldon
Elizabeth Dole	Lynne Cheney	Phyllis Schlafly	Marge Schott
The Economist	*American Spectator*	*Human Events*	*Middle American News*
Readers' Digest	*WSJ* Editorial page	*Chronicles*	*American Renaissance*
Fox	*Firing Line*	Most talk radio	Radio Free Idaho
Homer Simpson	Bart Simpson	Ned Flanders	Sideshow Bob
American Reform Party	GOP	U.S. Taxpayers Party	Freemen
Hoover Institution	Heritage Foundation	Rockford Institute	John Birch Society
Nixon Library	Bradley Foundation	Von Mises Institute	Liberty Lobby
Yale University Press	Regnery	Spence	Barricade Books
Business	Physics	Football	Eugenics
4H Club Badge	Templeton Prize	Edmund Burke Award	Burning Cross
Shelby Steele	Ward Connerly	Reggie White	Louis Farrakhan

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telephoto lenses found an open window on the second floor of the White House, but the gloaters quickly discovered the espionage and drew the shades. After the acquittal vote, a White House janitor walked out with an empty case of Maker's Mark whiskey—tantalizing evidence that somebody must be gloating somewhere inside the mansion.

Moments later, I was almost knocked over by a stampede of photographers chasing Ruff's wheelchair as he made his way through the gate to the Bombay Club for lunch. A reporter later asked Lockhart whether such a conspicuous departure for lunch was smoking-gun evidence of gloating. "If you think walking out through one gate over another is some sort of signal to someone, you're overthinking," Lockhart said. Looking for gloating in all the wrong places and finding none, journalists had to content themselves with fantasies about behind-the-scenes gloating. "They're probably in there trying to stick rags down his throat," one correspondent said of Clinton after the acquittal. When Lockhart's briefing was delayed, another journalist suspected surreptitious gloating. "Joe can't keep himself from smiling," he said. "They have to wait until he stops. It's a gloat-free zone."

Actually, the only gloating I could detect at the White House was gloating about not gloating. Relieved, they said. Content, yes. Liberated, certainly. But gloating? "No," said Lanny Davis, who proceeded to parse the definition of gloating. "I don't mind saying I feel vindicated," the spinner said. "I intend to constantly remind every Republican member of the House who voted for perjury to call Fred Thompson and Richard Shelby," two GOP senators who voted against the perjury article. But, Lanny, isn't that gloating? "That part of it isn't gloating," Davis said. "It's vindication. It's legitimate."

Clintonites have good reason not to gloat. For one, there's no predicting what Starr might try next. "How many days you think will pass after the impeachment trial before Starr files a sixty-three-count indictment against the president?" one Clinton aide asked. "He's on a mission from God." A number of White House aides, burned out by the scandal, are heading for the door now that it's over. Greg Craig and Lanny Breuer will leave the counsel's office; two other members of the scandal team, Adam Goldberg and Don Goldberg, have already left. Elena Kagan, number two at the Domestic Policy Council, is off to Harvard; even Begala is said to be leaving.

Too many White House aides have been saddled with huge legal bills, have been personally devastated, or are just worn out by scandal management. "I feel as if I've been hit by a truck," says Larry Stein, Clinton's top lobbyist. One senior Clinton aide says he's tired of the "doe-eyed" looks of reporters who profess distaste for scandal and delight now that it's over. "I'm sure it's hard to cover a fire," he says, "but don't dare tell me covering a fire is harder than having the [expletive] house burning down around you." •

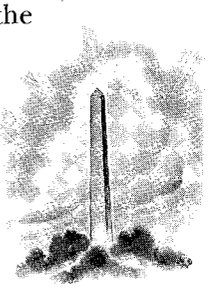
WASHINGTON SCENE

MUCKMAKERS

By David Grann

Even before the Senate finally acquitted Bill Clinton, two facts were quite evident: one, the president didn't like the people who didn't like him, and, two, he wanted, as he did in every congressional election, to defeat as many of his Republican opponents as possible. But, when Richard Berke and James Bennett of *The New York Times* wrote a front-page story making these points the day before the vote, Washington erupted.

Within hours, Congressman Chris Cannon of Utah, one of the House Republican impeachment managers, was staring angrily at the cameras in the Senate TV gallery. "The president of the United States, arguably the most powerful man in the world, has declared a personal vendetta against the House managers," he said, his voice rising. "This is the height of arrogance, the height of the arrogance of power." Other managers issued their own "official" statements, even though the *Times* had only hinted that they might face Clinton's vengeance. "I'm here," taunted Jim Rogan of California. His face turning slightly pink, Jim Nicholson, the chairman of the Republican National Committee, declared: "Unlike you, Mr. President, I've seen *real* combat, and you'll have to get by me first."



The media, which had been holed up in the Capitol galleries, starving for a fresh angle, seized on the story. By one o'clock that afternoon, reporters had poured into the White House briefing room, demanding a response. "Republicans say you're after revenge," one reporter shouted at the president, as he met with the German chancellor, Gerhard Schroeder. As the cable networks replayed Cannon's remarks, the Senate chaplain took to the floor and prayed for reconciliation. "This is a time neither for gloating over victory nor grimness over losing," he said. On Friday morning, all the papers followed up the previous day's story, including *The New York Times*. It hardly seemed to matter that, as Brit Hume of Fox News Channel would later put it: "What was new in [the story]"—that Clinton would target House managers in safe seats—"wasn't particularly true, and what was true in it"—that Clinton didn't like Republicans and wanted to

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Strong stuff

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defeat them—"wasn't particularly new."

Pseudo-events, of course, are nothing new in Washington. Politics has always had the whiff of a con game, an elaborate effort to make the artificial seem real. In *The Image: A Guide to Pseudo-Events in America*, historian Daniel Boorstin described how politicians and press secretaries stage endless events to capture a few moments of the media's attention. The pseudo-event "is not spontaneous," Boorstin wrote in 1961, "but comes about because someone has planned, planted, or incited it ... for the immediate purpose of being reported or reproduced."

But, whereas politicians once primarily used pseudo-events to garner the attention of the press, the press today increasingly generates its own artificial news—whether by accident or by design. These pseudo-stories in turn generate their own pseudo-reactions from politicians, which then generate further pseudo-stories. The flap over *The New York Times*' discovery of a purported Clinton revenge campaign was merely the latest example of this phenomenon—and it will surely not be the last.

Written by two of the best political reporters in town, the story was not so much wrong as it was overblown. Under the headline "CLINTON VOWS STRONG DRIVE TO WIN A HOUSE MAJORITY, ADVISERS SAY," it quoted an anonymous source saying that Clinton "knows the districts, he knows the candidates, and he doesn't like these people.... He's obviously real hot on the managers. He thinks winning back the House is part of his legacy." As one *Times* reporter later acknowledged: "You could have done that same story in the last five or six months and gotten little reaction, but, because it came out a day or two before the vote ... and was written with a real edge, it got a kick."

Berke says he has no problem with the way the story was written or played. "It may not come as a shock that Clinton is furious at those Republicans and wants to defeat them, but confirming that that is indeed the case is certainly newsworthy." Yet Berke concedes that even he was startled by how other people exploited and misinterpreted it. "I heard Tom Brokaw two days later saying that *The New York Times* reported that the president was going after House managers. There was only one quote in our story saying he's really hot about the managers."

It's no surprise, of course, that Republicans seized on the story: it allowed them, after all, to act like victims instead of victimizers. What's noteworthy—even newsworthy—is how the ordinarily skeptical press played along with the Republicans because it perpetuated the scandal story for a few more days. "It gave a twist to a story in which everyone already knew the outcome for five months," said one congressional reporter. This was not lost on Republicans, who privately acknowledged to reporters they were simply using the story for spin. "We were feeding the beast," said one. Indeed, the gorging had just begun. Over the weekend, papers in House managers' districts tried to find potential local vendetta campaigns. Wolf Blitzer interviewed the Reverend Jesse Jackson, Clinton's spiritual adviser, on the darkness in the president's heart. Chris Rock worked the story into a monologue. Dick Morris, Clinton's ex-adviser, said he had a poll on revenge. On "The McLaughlin Group," the question was: Revenge or no revenge?

As the weekend finally came to a close, reporters wound up talking about the only thing left to talk about: why they were talking about the story in the first place. On CNN's "Reliable Sources," Bill Plante, CBS's White House correspondent, said: "I think it was overplayed. My sense is this is a conflation of conversations with people who advise the White House from the outside.... I really don't think they ever thought as a matter of policy at the senior staff level that it would be a good idea to go after these people." Added *Time* magazine's Margaret Carlson: "This is a 'world-is-round' story." At last, the press had confirmed what we already knew. •

The death of overkill.

A HAPPY ENDING

By Andrew Sullivan

I suppose I could best describe my view of the impeachment of Bill Clinton this way: a constitutional error that couldn't have happened to a nicer guy.

Impeachment clearly shouldn't have gone forward. The president's crimes never approached a serious attack on the nation itself; he never constituted a grave danger to the Republic. Nothing about him—let alone his crimes and misdemeanors—is high in any sense of the word.

But it is also true that he behaved with a reckless disregard for the law, the presidency, and the country. Even those of us who supported Dole over Clinton in 1996 because of Clinton's moral unfitness for the presidency were surprised at how low he sank. He should have resigned last fall. But, short of resignation, he was right to resist impeachment. It is something of a relief that, having debased the currency of the presidency, Bill Clinton did not, in the end, debase the currency of impeachment. Removal from office, I'm relieved to see proved, was too good for him.

Still, I don't think it was such a terrible thing that the trial unfolded. Some have argued that the very process of impeachment was somehow unconstitutional, but

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they are surely wrong. Impeachment is right there in the Constitution. There was a sliver of a justification for invoking it. A third of the people in most opinion polls wanted the president removed. The whole point of such a provision is that it sometimes be used, if only to test whether the system still works.

And it did. All in all, the impeachment process was expeditious, enlightening, and devastating, both to Clinton's credibility and to the case for impeachment. History will show that Bill Clinton as president was a liar, a woman-abuser, an adulterer, and someone who showed contempt for his country. But history will also show that he was judged far less worthy of impeachment than Andrew Johnson, despite the fact that Johnson's alleged criminality was the function of a complete political setup over an unconstitutional law.

In the end, the case against Clinton could not even muster a simple majority of the Senate. It represented, in other words, not the death of outrage but merely the death of overkill. It signified not the weakening of the presidency but its extraordinary resilience. If Clinton had been prime minister, he would have been gone a year ago.

And, for all the melodrama, the process was extremely instructive. The extent of Clinton's duplicity was exposed in a way that may help inoculate the country from the many lies he will no doubt still peddle in the two years left in his term. When someone as value-free as Clinton occupies a high office, the main danger is that he will be believed or that he will come to think he can get away with ever-greater scams and indulgences. The scar of impeachment is perhaps the only way we can be even remotely sure he will not behave as recklessly—or more recklessly—in the future. With any luck, it may function as a kind of aversion therapy the next time some crook offers to bankroll his party or some intern flashes a thong. Since there is no one else in the White House to discipline him, maybe the memory of 1998 will suffice. When dealing with adolescents, this is a sad but necessary expedient. But, hey, the people reelected him. They asked for it.

We also learned the true nature of his opposition. I don't merely mean the politics of moralizing, which has now replaced the politics of freedom as the Republican creed. I mean their utter lack of perspective, of simple judgment, when it came to distinguishing between legitimate moral and political opposition to the president and an unmerited attempt to destroy him completely. The reason Americans are appalled by the Republicans is not that Americans have lost their moral compass. It is that Americans have retained their moral perspective. They can tell the difference between supporting moral standards and using the government to enforce moral purity. They sense, wisely, that there is a connection in the Republican Party between the attempts to make abortion not just illegal but unconstitutional, to recriminalize and remedicalize homosexuality, to turn foreign policy into a fundamentalist crusade, to persecute immigrants with a newly powerful and unaccountable Immigration and Naturalization Service—and the attempt to use the full power of the law to scrutinize a 23-year-old's sex life. Americans, thank God, know fanatics when they see them. And they are Messrs. Barr, Rogan, and Canady.

There are signs that true conservatives—and I do not include Bill Kristol in that category—realize this and will begin to rescue their party from the grip of big government moralism. I certainly hope so. But among their aims should surely be a revisiting of the three planks that made this investigation possible. They should pass a law attempting to protect future presidents from being liable to civil suits while in office. They should reform the Independent Counsel Act to restrict its powers and enhance its accountability. And they should also purge sexual harassment law of rules that give the parties to such a suit the legal ability to inquire into the length and breadth of any American's intimate life.

I was once a supporter of wide-ranging sexual harassment law. The Paula Jones suit showed me why I shouldn't have been. The one moment during the past year when Americans really balked was when they watched the president forced to answer the kinds of questions no legal authority should have the power to ask of anyone. Americans were right to balk. In some ways, I don't think the public's subsequent support for the president represented nullification of the rule of law in general. I think it represented nullification of the implications of sexual harassment law specifically. When the power of government is brought to bear on such questions as what body parts touched which body parts, the power of government is too great. If that means that some legitimate victims of sexual harassment go without justice, then, sadly, that's the way it has to be. Not every personal injury or social ill deserves a legal remedy, especially if finding such a remedy threatens everyone else's privacy and freedom.

No doubt American feminists will balk at this conclusion, but, then, what moral integrity do they have left? If it was hard during the scandal not to feel visceral recoil at the sight of Bob Barr, it was equally hard not to feel contempt at the sight of Gloria Steinem. The American feminist establishment, it turns out, is just another political faction, free of principle and free of conscience. Not only didn't the organized feminists squirm at defending Bill Clinton; they didn't even pretend to squirm. The president's major legacy will be not merely to have moved his party drastically to the center but to have gutted the integrity of the Democratic left by luring them into supporting him.

The gay rights establishment is almost as guilty. Clinton has virtually doubled expulsions of gay people from the military and signed the Defense of Marriage Act while committing adultery. But some moneyed gay Democrats funnel even more money into their party's coffers or focus their attention on securing sinecures for other fat cats like James Hormel. It has not been a pretty spectacle. Perhaps Al Gore will be able to cleanse the issue of civil rights for women and homosexuals from

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the ordure of the Clinton presidency. But he, alas, is as compromised by his unswerving support for the president as anyone.

In retrospect, only one moment in the past year will, I think, endure as a grave threat to the integrity of the United States. And that was the bombing of Afghanistan and Sudan last August. The evidence that this bombing was well-thought out and well-targeted is extremely thin. At best, it smacks of incompetence. At worst, it smacks of the use of American arms and credibility for the purposes of short-term political gain for the president. I know everyone is sick of investigations. But, if ever an independent investigation is called for, it is surely into the origins of this particular episode. I say this not because I am squeamish about the use of force abroad but because the use of such force should always be beyond suspicion and reproach. The only time, I think, when impeachment was even vaguely justified was when those raids evoked the question of something truly rotten in the White House. Republicans, however, were more concerned with what the president did with Monica Lewinsky than what he did with the Armed Forces of the United States. In the long run, there will be no more damning indictment of them than that. •

GOP moderates see their chance.

COMEBACK KIDS

By Peter Beinart

I asked Congressman Joe Scarborough, a Republican elected in 1994 from northern Florida's "Redneck Riviera," how his party could improve its image. "It's interesting how politics works," he suggested hopefully. "Sometimes when you lose you win." It's interesting that Scarborough should say that, because the story of the Republican Party since his election is pretty much the opposite. The GOP won big in 1994 and then, gorged on its own success, marched boldly into one disaster after another: the 1995 government shutdown, the 1996 presidential race, the 1998 congressional elections, impeachment.

But Scarborough's model isn't the post-'94 GOP. It's the post-'94 Bill Clinton. "You know Bill Clinton got elected and immediately the first two issues were gays in the military and abortion.... And that laid the seeds for a tumultuous two years. He learned his lesson ... and, just like the president lurched to the center after 1994, Republicans are going to have to move toward the center in 1999. The parallels just couldn't be more clear." So Scarborough, once the hardest of hard-liners, wants his party to scale back its tax cut, avoid "ideological battles," and consider putting a pro-choice Northeasterner on the ticket in 2000.

Such views don't jibe with the standard portrait of the post-impeachment GOP as a party in permanent jihad. But I heard versions of Scarborough's parallel—between the Democrats of 1995 and the Republicans of today—from three different conservatives last week. And there is evidence they may be right: that the legacy of impeachment could be a Republican Party more moderate and pragmatic than anyone thought possible just a few months ago.

Impeachment was the conservative social agenda by other means. It alienated the public, much of which now views the GOP as puritanical and moralistic. That image threatens Republican control of Congress. So, with impeachment over, party leaders feel they have to take much tougher measures than in past years to keep the actual conservative social agenda from compounding the damage. At the Republican National Committee's winter meeting in January, Party Chairman Jim Nicholson announced the GOP's top priorities for the upcoming year: tax cuts, Social Security, defense, and education. He didn't mention a single social issue. Speaker Denny Hastert has signaled he wants to end the practice of hitching riders to appropriations bills, which has in recent years been the chief vehicle for bringing anti-abortion and anti-gay legislation to the floor.

The shift has not gone unnoticed. Social conservatives were outraged that pro-choice Pennsylvania Congressman Jim Greenwood was the only member to address cultural issues at the February House GOP retreat in Williamsburg, Virginia. In a January 22 speech to the Conservative Political Action Conference, the Christian Coalition's Randy Tate called the congressional GOP's agenda "tragically devoid of any attempt to appeal and reach out to their most vital constituency—religious conservatives." Colleen Parro of the Republican National Coalition for Life says, "I haven't seen, nor have my associates on the Hill seen, any apparent pro-life agenda being talked about by [congressional] leaders at this time." By contrast, Ann Stone of Republicans for Choice recently told *The Atlanta Journal and Constitution* that she felt she was "returning from the wilderness."

Moderates are being courted outside Washington as well. At the weekend gathering formerly known as Dark Ages, where 350 conservatives gathered to ring in 1999, New York's mayor, Rudy Giuliani, won a standing ovation. And no one asked about his liberal views on abortion, gays, or immigration. "I was amazed," says co-organizer David Horowitz, "because I know these people, and they're [right-]wingers." Dwight Sutherland, a state committeeman from Kansas who attended both the New Year's weekend and the RNC meeting, says the party's impeachment-related troubles have changed its mood: "The prospect of a hanging tends to concentrate the mind wonderfully. A lot of people on the right are a lot more pragmatic than they used to be."

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One of the minds it seems to have concentrated is that of George W. Bush. The Texas governor has long made known his distaste for cultural polarization. He has publicly condemned gay-bashing and declared that "the United States Supreme Court has settled the abortion issue: there will be abortions in Texas and the rest of the United States." But, in recent weeks, people close to his campaign seem to have almost gone out of their way to violate an article of social conservative faith: that no pro-choice politician is welcome on a Republican presidential ticket. An operative close to the Bush team recently volunteered that Tom Ridge, the pro-choice governor of Pennsylvania, would be an attractive running mate. It is, of course, early in the primary process. But impeachment has increased public distaste for Republican moralism. And that makes it easier for a candidate like George W. Bush or Elizabeth Dole to justify deviation from the social conservative line as the only way to keep the GOP from losing everything in 2000.

Exhibit A in any such argument is California, where an electoral meltdown is giving moderate Republicans new life. In November, the state's GOP suffered its worst defeat since 1958. Democrats now control the governor's mansion, both Senate seats, both houses of the state legislature, and eight of ten statewide elected offices. Exit polls showed that California voters were fed up with the impeachment crusade and alienated by the right's moral agenda. One-third of moderate Republican voters abandoned GOP gubernatorial nominee Dan Lungren, and Democrat Gray Davis beat him by 24 points among women. At a post-election seminar, Lungren's campaign manager declared that an anti-abortion Republican can probably never be elected governor of California.

Social conservatives have controlled the California GOP for most of this decade, and, last year, 60 percent of state party delegates voted to cut off funding to Republicans who support "partial birth" abortion. A few months ago, right-wing activists looked certain to retain the party's top offices at its convention this February. But, galvanized by the election and by the party's impeachment-related unpopularity, moderates recently presented a slate of their own, and they have the backing of some of California's biggest Republican donors. If they win, they will likely try to excise the party's anti-abortion plank later this year. As one California Republican operative puts it: "There was no galvanizing force for the centrist forces in the past. Now they're saying, 'You're ruining the party; we've hit rock bottom; it's time to bring this party back to normalcy.'... They're forcing the party back to the middle."

To be sure, conservatives still constitute the overwhelming base of the Republican Party. But liberals constitute the base of the Democratic Party, and that has not stopped Bill Clinton from moving substantially to the center. The key, as the Clinton years have shown, is a party's mood. The more ideologically self-confident a party is, the less it permits its leaders to shed politically unpopular baggage. The years 1994 to 1998 were an era of extraordinary GOP self-confidence—a time when Republicans knew they were on the right side of the American people and of history. Thanks to impeachment, that era is now over. For the first time in almost five years, the Republican Party doubts itself. And doubt, as Joe Scarborough understands, is the first step toward recovery. •

SOUTHERN AFRICA DISPATCH

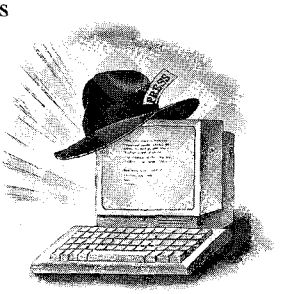
BLOODY MUGABE

By Ken Owen

JOHANNESBURG

When the former British colony known as Rhodesia shook off white racist rule in 1980 to become the independent country of Zimbabwe, its new leader, Robert Mugabe, seemed to embody Africa's best hopes for a future of freedom and prosperity. Though war-damaged, the new democracy had, by African standards, a large educated class, and it was tidily administered with a generous new constitution protecting even the white minority. Many saw the country as a model for the liberation of South Africa, the last bastion of white racism on the continent.

Mugabe himself was an impressive figure. He had emerged, like Nelson Mandela would more than a decade later, from long detention with the image of a popular liberator. But he also had the backing of a tough and victorious guerrilla army. He had used his time in prison to educate himself, and he spoke—in elegant English and a near-British accent—of a future of radiant promise.



Today that promise lies in tatters. Zimbabwe, staggering from crisis to crisis, offers a depressing vista: a collapsing currency, soaring prices, faltering financial markets, food shortages, and, occasionally, food riots. There is resurgent malaria, a debilitating AIDS epidemic of nightmarish proportions, plus a restive peasantry threatening land invasions. And now, thanks to Mugabe's reckless decision to send troops to the aid of Laurent Kabila's despotic government in the Democratic Republic of the Congo, the country is looking at deepening involvement in the quagmires of a foreign civil war.

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Mugabe, for his part, has become paranoiac. State House, his elegant, old colonial-style dwelling, is an oasis of orderliness surrounded by high walls topped with razor wire. Adjacent streets are closed off at night and sometimes by day. The higher ground in the nearby botanical gardens is off-limits to the public because it overlooks Mugabe's home, and cold-eyed guards have been known to fire on motorists who blundered into forbidden streets.

Politically, too, Mugabe has isolated himself—behind a vast network of patronage appointments, both military and civilian. He sees plots and conspiracies everywhere: disloyal citizens, ambitious rivals, South African spies, minority tribes, independent-newspaper owners, Roman Catholic churchmen, journalists, foreign bankers. His latest suspicions have fallen on foreign "agents" and High Court judges, currency speculators, and even millers of maize, the staple food, whom he accuses of hoarding supplies to drive up prices. Like an African Lear, the aging Mugabe rails at an ever-widening circle of enemies.

The latest act in this unfolding tragedy has been the arrest and torture of two journalists from the *Sunday Standard*, the independent weekly, following its publication of a story about a failed coup in the army. The government is known to be nervous about the unpopularity of Mugabe's Congo foray, and for good reason. In a recent poll commissioned by the Catholic Commission for Justice and Peace (CCJP), 70 percent of respondents opposed Zimbabwe's intervention. Rumors of high casualties are already rampant in the capital, Harare, and the body bags from the expeditionary force (said to number at least 3,000 men) are already starting to pile up. In addition, many investors wonder how the financially strapped Zimbabwe can even afford such an adventure. (The answer, many say, is that Mugabe and his cronies have struck lucrative deals with Kabila in exchange for promises of military support.)

In such an environment, even the appearance of dissent within the military could be debilitating—which is why, it is widely assumed, the army decided to take the *Standard*'s editor, Mark Chavanduka, and its senior reporter, Ray Choto, into custody after the coup story appeared. The two were held under the provisions of a notorious law—the Law and Order Maintenance Act, promulgated by the white racist regime of Ian Smith when it was trying vainly to suppress the very guerrilla war that brought Mugabe to power. Unlike Mandela's regime in South Africa, Mugabe's has been singularly tardy in repealing such repressive measures. As a result, the major newspapers—taken over by a government-controlled trust after independence—are sycophantic. Independent newspapers, though vibrant, are small and embattled.

Zimbabwe's High Court ordered the military to release its prisoners, but to no avail. And, when the army finally let its captives go, signs of electric-shock torture—to the men's genitals, wrists, and fingers—were obvious. Three High Court judges wrote to Mugabe, warning: "If the judiciary is ignored or seen to be ineffective, then anarchy prevails." The effect was perverse. The army promptly detained more journalists, while Mugabe raged at the judges, demanding their resignation for writing to him. He called it an act of "judicial impudence" and blasted anonymous "British agents" whom he accused of trying to bring about disaffection in his administration. Singling out the white owners of the *Standard* for their alleged mischief, he then fired a broadside at the nation's remaining 70,000 whites (there were 280,000 at the time of independence), questioning their right to live in Zimbabwe.

Meanwhile, the CCJP, which came to prominence as a courageous defender of human rights under Ian Smith, has incurred Mugabe's special wrath by publishing a 13-year-old report detailing ten case histories of torture that Mugabe's security agents inflicted upon political opponents. The report, dating from 1986, recalled Mugabe's brutal campaign—employing army units trained by tough North Korean instructors—to consolidate his power after independence. Since then, an extraordinary number of skeletons have been found in abandoned mine shafts in the territory of the minority Matabele tribe where, it is widely believed, Mugabe's agents dumped the bodies of opponents. One estimate is that there were between 3,000 and 5,000 "extrajudicial executions."

At the time of that atrocity, the West ignored evidence of its existence. That was back when Mugabe represented the triumph of Africa over white oppression, and Zimbabwe was in the front line of the fight against apartheid. To criticize Mugabe's human rights record then was to risk landing in bed with South Africa's President P.W. Botha.

But, in retrospect, that same period now holds the key to understanding Mugabe's paranoia. The Matabeleland slaughter was precipitated by the discovery of arms caches in the tribal territory of his wartime rival, Joshua Nkomo, who by then had become his partner in a mutually distrustful government of national unity. South African intelligence operatives and assassins, some recruited from the white Rhodesian community, were active in Zimbabwe at the time, and South African cross-border military raids greatly exacerbated the tensions and suspicions of Mugabe's government.

These experiences appear to have left Mugabe with an abiding suspicion of the skilled white citizens on whom the efficient functioning of the country still, to some degree, depends. They also left him, according to close associates, with a not unreasonable fear that his country might lapse into the kind of tribal war that has torn so many African societies apart—hence, perhaps, his impulse to support Kabila's central government against tribally based rebellions, as well as his confidence in military solutions to political problems.

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Sadly, the experience has also reinforced his authoritarian leanings. He is intellectually arrogant—at one time he was jokingly described as "the only man in Africa who really understands Marxism-Leninism"—and he still harbors an ideological faith in both centralized power and in military methods. His intervention in the Congo defied a plea by Nelson Mandela to join a regional search for a negotiated solution. Mugabe was brought to power by war, Mandela by negotiation, and each leader doubts the methods of the other.

More than that, Mugabe seems increasingly to resent the dominance and reject the leadership of South Africa, which commands an economy roughly ten times as large as his own country's, and many times as sophisticated. Frustrated by an adverse balance of trade, he blames Mandela's trade policies for his own economic woes. Tension between the two countries, already palpable, has grown sharp, and Mugabe has been openly scornful of Mandela's peace plans. The South African reaction, despite the detention of more journalists and newspaper owners, has been excessively restrained. Foreign Minister Alfred Nzo has pointedly refused to be drawn into condemnation, except to observe mildly that "it will not happen in South Africa."

Perhaps South Africa can afford to be sanguine. Mugabe, predictably, is finding it much harder to withdraw from conflict than to embark upon it, and as the cost mounts he is becoming as irrational about economic problems as he is about military matters and political opposition. He recently slapped an arbitrary five percent levy on all stock exchange transactions, effectively shutting down the market for three days until the levy was scrapped. Similarly, Zimbabwe's Reserve Bank has tried to peg the currency exchange rate by decree, causing further distortions. Food prices rose last year by 39 percent, and shortages of grain threatened to renew last year's food riots.

When the price of fuel rose, the government tried to prohibit higher taxi charges. Most recently, the government, desperate to support an estimated 600,000 AIDS orphans, has announced legislation to compel insurance companies to pay out pensions at age 40, rather than at 60, because the AIDS epidemic has reduced average life expectancy from 60 to 40. The insurance industry has pointed out, not unreasonably, that the decree would collapse the insurance funds.

As conditions of life deteriorate, black professionals go abroad in droves, while black workers and peasants stream across the Limpopo River to South Africa, where the number of foreign workers has lately caused nasty episodes of xenophobic violence. In his redoubt, Mugabe is secure. But, as his country spreads tensions and becomes a source of instability, his neighbors watch the slow disintegration with growing wariness and alarm.

KEN OWEN is the former editor of the *Sunday Times*, South Africa's largest newspaper.

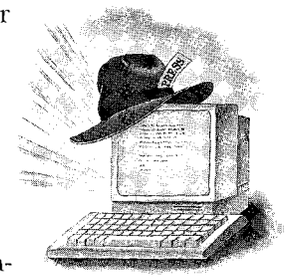
MINNESOTA DISPATCH

BODY AND BRAIN

By Dave Hage

From Tim Russert to Garrison Keillor, everyone's poking fun at Jesse Ventura. And why not? Minnesota's new governor campaigned in sweatpants, then turned up for his inaugural ball wearing earrings and a Jimi Hendrix T-shirt. He'd never held public office, except for one unremarkable term as a suburban mayor. When reporters asked him how a third-party governor could coax cooperation from the state's fractious Democrats and Republicans, the ex-wrestler winked, chuckled, and flexed a massive bicep.

Voters in Minnesota, however, are starting to take their new governor a bit more seriously. That's because, even though Ventura may still exhibit some of his familiar quirks—he recently stirred up controversy by applying for a permit to carry a concealed gun—he's also starting to demonstrate the habits of a highly effective governor. Since taking office in January, Ventura has assembled a Cabinet that is stocked with intellectuals; he's written a state budget that is compassionate and savvy; and he's outfoxed the legislature's veterans in the first major skirmish over tax policy. All in all, not a bad start for any new governor—much less one who used to go to work in a feather boa.



The key to this auspicious beginning is another, more conventional Minnesota politician, former Congressman Tim Penny. The centrist Democrat rose to prominence in the 1980s, winning a seat in the U.S. House at age 30. In Washington, Penny joined Representative John Kasich, the Ohio Republican, as an influential advocate of balanced federal budgets. Penny retired from Congress in 1994, partly out of disgust over gridlock in Washington and partly because he and his wife wanted to raise their four children in their native southern Minnesota. Since then he has divided his time between the University of Minnesota, where he teaches classes in political leadership, and Washington, where he retains ties to the libertarian Cato Institute and the Committee for a Responsible Federal Budget. But Penny has never quite quelled a perception that he is an underutilized natural resource, biding his time until duty called.

Duty called on November 5, when Penny answered the phone at his home in Waseca and heard a familiar

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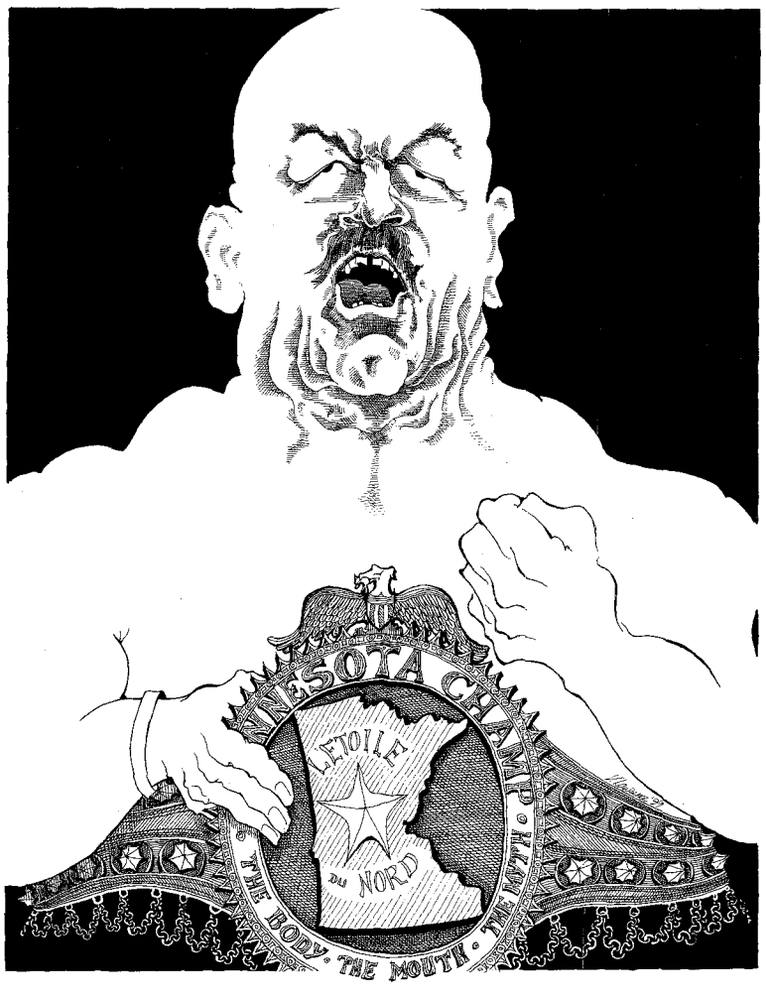
growl on the other end. Penny had never met Ventura, but he had watched the fall campaign with growing interest. After a long phone conversation with the governor-elect, Penny drew two conclusions. First, he liked Ventura's politics—social tolerance on issues such as gay rights and abortion, coupled with fiscal conservatism and a belief in individual responsibility. Second, Ventura needed help. Apart from his campaign chairman, a Reform Party activist and attorney named Dean Barkley, Ventura's political team consisted of two advertising executives and his running mate, a schoolteacher named Mae Schunk. He had essentially no ties to Minnesota's political veterans and policy elite.

Penny has stepped into that void. And, while it would be unfair to Ventura to describe Penny as the Body's brain—Ventura is a savvy politician who's far smarter than most people realize—there's no denying that Penny has supplied the new governor with some intellectual muscle. After Ventura's call for help, Penny found the governor-elect a temporary press secretary and an aide to run the transition. He spent hours at the transition office, writing memos and screening job applicants. With Barkley, he devised and recruited an advisory committee of political and corporate heavyweights who would make Cabinet recommendations and draft budget priorities. Penny even chaperoned Ventura to the National Governors' Association seminar for new governors.



JESSE VENTURA BY VINT LAWRENCE FOR THE NEW REPUBLIC

And Penny didn't just hold Ventura's hand through the transition. He also played a major role in putting together Ventura's administration. Penny's old congressional chief of staff, Steven Bosacker, now fills the same role for Ventura. Penny recommended another former aide, Pam Wheelock, to be Ventura's new finance commissioner. And he helped recruit Ted Mondale, son of the former vice president, as Ventura's choice to run the state's powerful metropolitan planning agency. Moreover, Penny's relationship with Ventura convinced other serious-minded activists to sign up with the new governor. By the time Ventura had filled all 24 commissioner positions, his administration was about equally divided among centrist Republicans, young Democrats, and nonpartisan technicians.

This progressive and technocratic bunch is already putting its stamp on Ventura's evolving political philosophy. Consider the biggest issue Ventura has confronted since taking office: what kind of tax rebate should be used to dispose of the state's $1 billion budget surplus. Republicans, who control the state House, have offered a rebate based on the state income tax—thereby giving the biggest rebates to taxpayers with the highest incomes and biggest tax bills. But Ventura has countered with a rebate proposal based on estimated sales-tax payments; it grants more relief to low-income taxpayers and makes tax rebates exempt from federal income taxes. Democrats, who control the state Senate, have embraced Ventura's plan, and Republicans are now on the defensive.

Ventura has also confounded Republicans on another big issue: how to spend the state's multibillion-dollar court settlement with Big Tobacco. Republicans predictably want to use the first installment of the windfall to finance additional tax cuts. But Ventura favors a sophisticated plan to endow foundations for medical research at the University of Minnesota and the Mayo Clinic. It appears that the governor will get his way.

With all of this progressive wonkery, Ventura has to be careful not to alienate his base, much of which consists of wannabe libertarians who thought they were voting for a hell-raiser last November. So far, though, they're standing behind him. In a January *Star Tribune* poll, Ventura posted favorable ratings of 72 percent—the highest in 50 years of surveys.

Beyond maintaining his high approval rating, Ventura's biggest challenge will be developing a coherent political philosophy that reconciles his beliefs with those of his polyglot brain trust. At a recent retreat, Ventura gave his commissioners a wallet card detailing his principles of government, including such axioms as

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"Never forget it's the public's money" and "You can't legislate against stupidity." Soon he'll have to turn those axioms into decisions.

One testing ground will be welfare. His new commissioner of human services, Michael O'Keefe, worked at the Department of Health, Education, and Welfare under Presidents Nixon and Carter and, before signing on with Ventura, ran a foundation that supplemented Minnesota's welfare-to-work program. O'Keefe is a big believer in services that help poor working parents, such as subsidized child care and urban-suburban transportation. Ventura, on the other hand, campaigned on the idea that the state shouldn't be in the child care business and has said repeatedly that government should not "make up for someone's mistakes." Another area of potential disagreement could be gun control. His commissioner of public safety, Charlie Weaver, is a moderate Republican who has taken centrist positions on gun control. Ventura, a former Navy SEAL, articulated his own philosophy with a memorable campaign line: "Being able to put two rounds in the same hole from twenty-five meters. That's gun control."

Penny dismisses any worries about his new friend, insisting that Ventura possesses the natural leadership skills to make his government work. Indeed, Penny himself appears to have been rejuvenated by Ventura: five years after leaving Washington in disgust, he's now entertaining the notion of a Senate run in 2000 against first-term Republican Rod Grams. "The reason why serious-minded, altruistic people agreed to work for Ventura is that he has made politics meaningful again," Penny says, with evident delight to be back in the thick of things. "Meaningful—but fun."

DAVE HAGE is an editorial writer for the Minneapolis *Star Tribune.*

From Watergate to Monica.

THE UNIMPERIAL PRESIDENCY

By Akhil Reed Amar

The Senate has acquitted Bill Clinton; he will now join Andrew Johnson in obloquy, but he will not join Richard Nixon in utter political ruin. It is a victory, of sorts, for this president. But is it a victory for the presidency? After the many legal battles over sex, lies, and audiotape, what is left of the office itself, its powers and privileges? The answer, alas, is that the legal precedents sprouting from the Clinton scandals have done considerable damage to the presidency, leaving us with an office weaker in key respects than the one that the Founders envisioned.

But, before we begin blaming Ken Starr and Henry Hyde, we should stop to consider that today's Democratic chief executive is reaping what was sown by Republican Richard Nixon's antagonists during Watergate. To be precise, we are all witnessing the consequences of the bad law made during the Supreme Court's celebrated 1974 decision in the Nixon tapes case. The enemy then was the imperial presidency. But, in hindsight, the tapes case opinion reflects a troubling imperialism of its own—judicial imperialism. The justices reached the right result, but their reasons were remarkably sloppy and self-aggrandizing. As a result, lawyers and judges dealing with big issues raised by the Clinton presidency—the legal status of independent counsels, the amenability of sitting presidents to lawsuits or indictments, the concept of executive privilege, the proper role of Secret Service agents—have seen the world through a distorted lens.

There may still be time to repair our misshapen law of the presidency. Indeed, the best time for reform is now, before we know whether the next president will be a Republican or Democrat. But, before we can move ahead, we must go back and see exactly how the law first went wrong in 1974.

Consider the caption: *United States* v. *Nixon.* Criminal prosecution is an executive branch function, and the dramatic opening words of Article II of the Constitution vest all executive power in the president. How, then, could special prosecutor Leon Jaworski—an "inferior" officer within the executive branch—claim to represent "the United States" against the pronouncements of its *chief* executive? In 1974, this was no pedantic quibble. It implicated whether courts could even hear the case and how they would be obliged to rule if they reached the merits. Separation of powers militated against judicial interven-

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tion in an intra-executive dispute, and the Court's more general precedents cast doubt on whether a person could sue himself. Given that Jaworski was nothing more than Nixon's subordinate, wasn't the case really *Nixon (inferior)* v. *Nixon (real)*? If Jaworski wanted the tapes disclosed for good executive-branch reasons (the need to prosecute criminals), and Nixon wanted the tapes kept secret for good executive-branch reasons (Oval Office confidentiality), shouldn't the president ordinarily and obviously have the last word?

The Court's solution was strained. Chief Justice Warren Burger's unanimous opinion first analogized the dispute to one "between two congressional committees." But this was spurious. Two committees are presumptively coordinate authorities; Nixon and Jaworski were not. Constitutionally, Nixon was president and Jaworski was an inferior officer. Democratically, Nixon had been elected by the nation and Jaworski had not even been confirmed by the Senate. Their dispute was more like one between the Court and a law clerk.

Next, Burger invoked a Nixon administration regulation in which Nixon promised Jaworski a free hand in his investigation and further promised not to fire Jaworski without the concurrence of congressional leaders (to avoid another Saturday Night Massacre). This regulation, said Burger, had "the force of law," empowering executive inferior Jaworski to contest Chief Executive Nixon. Because of this "law," Burger declared his Court free to decide who was right and to ignore who was boss.

But this was hard to maintain with a straight face: Any legally binding regulation of this kind would have been flatly unconstitutional. As President Washington and Congressman Madison established at the Founding, the president alone decides whom to fire within the executive branch; Congress cannot legally obstruct any purely executive-branch removal. The Court emphatically endorsed this view in a 1926 case, *Myers* v. *United States*, which remains good precedent today. If the regulation had *legally* given congressional leaders a legislative veto over Jaworski's removal, it was invalid under both *Myers* and more general principles that the Court would later reaffirm. Thus, the Nixon regulation could only be understood as a mere read-my-lips political promise.

Even if the regulation somehow counted as law, the Court conceded that Nixon was free to rescind it unilaterally—and *then* Nixon could tell Jaworski what to do or where to go. But why, then, were the justices insisting that Nixon first rescind, and only then countermand Jaworski? Why wasn't it enough that, in their very courtroom, the president was clearly saying that he disagreed with his subordinate? The best answer is one the Court never stated forthrightly: Richard Nixon was involved in a criminal conspiracy to obstruct justice, and the Court already had evidence under seal that proved this. If Nixon wanted to fire or countermand Jaworski, he would not get a finger of support from the justices; he would have to do it himself (twice) at high noon on Main Street, for all to see.

Only the Court's private knowledge of Nixon's plain guilt can account for the screwy things that Burger's opinion went on to say. In *United States* v. *Burr*, an 1807 lower court case decided by Chief Justice John Marshall riding circuit, Marshall had subpoenaed documents from President Jefferson. Burger insisted that Marshall's subpoena was indistinguishable from the one sought by Jaworski. But this was obtuse: in *Burr*, a defendant, Aaron Burr, sought to subpoena evidence to prove his innocence, whereas in *Nixon*, the "government" (i.e., Jaworski) sought to subpoena evidence to prove the *guilt* of various Watergate defendants. Fundamental issues of due process and fairness were at stake in *Burr*: The government cannot prosecute a man while suppressing evidence of his innocence. Had Jefferson resisted the subpoena—based on perfectly legitimate confidentiality considerations—Marshall would never have tried to coerce the president to comply. Instead, he would have simply dismissed the prosecution and released the defendant. The Constitution and laws nowhere demanded that Burr *must* be prosecuted; they merely required that, if prosecuted, he be given exculpatory evidence. *Burr* thus respected the president's right to decide the executive-branch policy question at hand: it was left up to Jefferson to choose which was more important to him—convicting Burr or keeping confidential communications secret.

But Burger turned *Burr* upside down, insisting that due process demanded that all possible evidence of the criminal defendants' *guilt* must be produced, even if both the defendants and the president preferred otherwise. He went on to imply that any rule limiting prosecutors' ability to procure "all relevant and admissible evidence" was constitutionally suspect—an odd view that would seem to undermine every traditional evidentiary privilege, from the attorney-client privilege to the one shielding doctor-patient communications.

The Court did purport to recognize a limited privilege for confidential Oval Office conversations but said it had to be balanced against the judicial need for evidence. In this "balance"—with judges holding the scales—the need for confidentiality was, said Burger, ordinarily outweighed (absent national security concerns) if the evidence sought for a judicial proceeding was specific, admissible, and relevant. This was really no privilege at all—*anyone* can resist a subpoena that is overbroad or irrelevant. Thus, on Burger's logic, essential and wholly proper (but politically sensitive) conversations in the Oval Office were entitled to even *less* protection than conversations between attorneys and clients.

Imagine, for example, that the president is considering whether to appoint Jane Doe to a high government post. Aides brief the president, reporting various facts and rumors about Doe, her family, and her friends. For the president to do his job right, he needs to hear this sensitive information. But the Nixon tapes case, if we take it seriously, suggests that any county prosecutor, or any plaintiff in a civil case, could subpoena this conver-

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sation in a lawsuit designed to embarrass Doe or the president. If so, aides would hesitate to tell the president what he needs to know to do his job.

Admittedly, the Constitution does not create executive privilege in so many words. But it does create a system of federalism and separation of powers. As a matter of federalism, state and local prosecutors cannot be allowed to disrupt the proper performance of national executive functions. As a matter of separation of powers, each branch must have some space—a separate house, if you will—in which to ponder its delicate business free from the intermeddling of other branches. Senators must be free to talk candidly and confidentially among themselves and with staff in cloakrooms; judges must enjoy comparable freedom in conversations with law clerks; jurors ordinarily deliberate secretly; and the same basic principle holds true for the presidency. This principle was explicitly affirmed in no less a case than *Marbury* v. *Madison*. When Attorney General Levi Lincoln hesitated to answer certain questions about what President Jefferson had confided to him, feeling "himself bound to maintain the rights of the executive," the *Marbury* Court reassured him that "if he thought that any thing was communicated to him in confidence he was not bound to disclose it." Burger mentioned none of this.

Here is what Burger should have said: "Inherent in the executive power vested in the president by Article II is the general right to decide whom shall be prosecuted, and how, and also the right to keep confidential good-faith conversations with executive-branch aides about proper executive-branch policy. But, like other privileges in our law, executive privilege has limits and exceptions. Under the well-established crime-fraud exception, attorneys cannot invoke lawyer-client privilege when independent evidence confirms that they are trying to cover up ongoing criminal misconduct and obstruction of justice. Similarly, conversations by executive officials planning ongoing crimes are not protected by Article II. The conversations sought by Jaworski are conversations among persons designated by the grand jury as coconspirators—including Nixon, though the president was not indicted. The evidence under seal already in the Court's possession provides strong and independent confirmation of this conspiracy. Under these unusual circumstances, executive privilege yields."

Burger instead wrote a sweeping opinion that had the virtue of not attacking Richard Nixon personally and the defect of making no sense when honestly applied to honest presidents.

Moreover, the tapes case not only trivialized the presidency; it also imperialized the judiciary and marginalized the legislature. The justices doubtless feared that Nixon might defy their orders—this explains why all eight participating justices signed Burger's ill-reasoned opinion. Fear of defiance also helps explain the opinion's overblown rhetoric proclaiming the Court "the ultimate interpreter of the Constitution" (language not found in *Marbury* and never appearing in *U.S. Reports* before the 1960s). But this lofty rhetoric, combined with the immediate effect of the case, shoved Congress offstage. Nixon surrendered the tapes, the smoking gun came out, and soon Nixon was gone. The Court had spared the country the agony of a possibly long and painful impeachment. But the result was to short-circuit an impressive incipient effort by Congress to take its own constitutional role seriously, depriving future Congresses of a modern model for presidential impeachment.

The Framers had made Congress the main watchdog, via oversight and impeachment, for a reason. Unlike a lone prosecutor trying to take down a president with the aid of judges—sound like anyone we know?—Congress would be democratically accountable. This would deter witch-hunting; after all, the president might be an innocent man and so accusations against him would need to be carefully screened. By giving the primary screening function to Congress, the Framers created a structurally superior system to one relying upon unaccountable prosecutors or plaintiffs and unelected judges. But the structural lesson taught by *Nixon* was different: trust the Court, distrust the president, and ignore the Congress.

The independent counsel statute, passed in 1978, magnified *Nixon*'s pathologies. For starters, the statute dramatically inflated the role of judges. In Watergate, Nixon's White House itself had picked Archibald Cox and Jaworski, and it retained formal power to remove them. Politics, not law, framed whether an outside prosecutor would be named, who he would be, how he would operate, and when (if ever) he would be removed. In making these decisions, the White House had to listen to congressional critics, or risk a political backlash. And the system worked—just the way the Framers would have wanted. Cox and Jaworski had great credibility. Nixon retained the right to fire them anytime, but only at his political peril, as the Saturday Night Massacre proved.

Rushing to "reform," post-Watergate lawmakers created a constitutional Frankenstein. Under the independent counsel statute, *judges* would pick special prosecutors, nominally supervise them, and ultimately decide whether to remove them. But this system was plainly unconstitutional. Under a proper vision of separation of powers, judges should appoint only inferior officers within the judiciary—magistrates, clerks, and masters—not prosecutors within the executive branch. And surely judges should not be in the business of monitoring investigations; this, too, is an executive function, not a judicial one. But the statute naturally flowed from the warped logic of *Nixon*—turning its regulation-as-law gambit into a literal law limiting presidential removal, contra *Myers*, and thrusting judges into intra-executive policy.

The proper job of judges is to decide cases under law in open court after hearing public arguments. But no law can tell judges whom to choose as a prosecutor in a given case. This is a question of personnel and policy, not law; to decide it well, judges must consult leading politicians. But judges should shun this business as altogether too political, partisan, and secretive. Judges may

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be tempted to pick a fellow judge with no prosecutorial experience, who may in turn make rookie mistakes. (Again, sound familiar?) And, if judges are really to monitor their creature, they must themselves become superprosecutors, considering all sorts of secret material in closed chambers, in violation of deep judicial norms. If not, independent counsels answer to no one, thereby violating the Article II appointments clause, which requires that an "inferior" officer must have a superior.

The judiciary's gain in power was, in part, Congress's loss. Instead of acting as a watchdog, Congress surrenders the job to an independent counsel picked by judges—blurring the lines of democratic accountability. If the counsel errs, Congress says, blame him (or the court), not us. Whereas the Founders carefully kept judges out of the impeachment process, the statute sucks them in. The *judicial* branch picks an *executive* officer who serves as formal impeachment adviser to the *legislature*! This is an obvious distortion of the Founders' model. In the past year, we have repeatedly seen judges involved in the presidential impeachment process—for example, authorizing the transfer of grand jury material to Congress and even obliging a potential impeachment witness to meet (secretly) with House managers in the middle of an ongoing impeachment trial. Federal judges would never involve themselves in procedural issues arising in an ongoing state prosecution, but have shown less restraint vis-à-vis impeachment, again following *Nixon*'s script, where judges rushed into the middle of an impeachment to save the country.

The statute also trivializes the executive branch—and here, too, it tracks *Nixon*. Its hair trigger evinces pathological distrust of the attorney general, the Justice Department, and the entire executive branch. If Kenneth Starr has visions of grandeur—thinking that he, not an elected president, represents "the United States"—these visions are nurtured by a statute nurtured by *Nixon*. If Starr has pushed too hard to uncover every possible crime of every possible defendant by relentlessly pursuing every possible scrap of evidence—subpoenaing book stores, pressuring a mother to betray her daughter's secrets, piercing presidential privacy, shredding executive privilege, and shrinking attorney-client privilege—this, too, follows the anti-defendant, anti-privilege, anti-prosecutorial-discretion script of *Nixon*.

When the independent counsel statute first came before the Court in the 1988 *Morrison* v. *Olson* case, seven justices voted to uphold it. *Morrison* winked at the word "inferior," slighted the fact that Article II vests all executive power in the president, and disregarded the objection that judges were performing plainly executive tasks. In each of these respects, *Morrison* followed *Nixon*. Only Justice Antonin Scalia dissented, in a brilliant and prescient opinion that also gave *Nixon* a more narrow reading than was then fashionable.

Then came the Paula Jones case of 1997, and here the presidency didn't even get Scalia's vote. In the three landmark cases of *Nixon*, *Morrison*, and *Jones*, the combined vote was 24 to one against the presidency. The imperial presidency was surely dead.

But perhaps presidential imperialism was a phony threat all along. The word "imperial" conjures up images of kings ruling by divine right. Presidents are elected by the people. When they are unable to do the people's business because of unilateral decisions of unelected folk—Paula Jones, or Lawrence Walsh, or Ken Starr, or Susan Webber Wright—which way does "imperialism" cut? Kings rule for life. Presidents are limited to two terms, and so, even if lawsuits were generally barred against sitting presidents, plaintiffs could have their day in court after a president leaves office, when the people's business would not be thereby disrupted.

The *Jones* opinion by Justice John Paul Stevens also followed *Nixon*. If Nixon could be obliged to answer Jaworski's call for tapes, shouldn't Clinton be obliged to answer Jones's civil complaint? The overreading of *Burr* in *Nixon* was also key in *Jones*—Stevens leaned heavily on *Burr* but never paused to consider how Jefferson had remained free to disregard Marshall's subpoena by just dropping the case. By contrast, Clinton could disregard the *Jones* ruling only by suffering a default judgment at considerable personal expense. Thus, *Jones* took a big step beyond *Burr*—and beyond *Nixon*, too, given the Court's concession that Nixon could, in two steps, fire Jaworski and keep the tapes. This does not prove that *Jones* was wrong, merely that it was sloppy, making new law without even realizing it—and rather badly misreading the historical evidence to boot.

And, like *Nixon*, *Jones* reflected a remarkably self-satisfied view of federal judges. Trust us federal courts, said *Jones*, to sensitively manage lawsuits against the president. Against this institutional smugness, is it impolite to note that the entire national agenda of the past year was derailed because of a legal error of Judge Wright's? Under a proper view of Fourth Amendment privacy and Federal Rules of Civil Procedure 26(c) and 45(c), Clinton should never have been forced to answer questions about his consensual sexual activity, given that his answer could implicate serious privacy interests of a nonparty to this civil suit (Lewinsky) in the absence of a compelling need. But on this key issue Judge Wright was Judge Wrong when it counted (at the deposition), and, had it not been for this error, Clinton's alleged crimes would never have occurred. In wrongly requiring disclosure of intimate and confidential relations, however, Judge Wright was in a way merely following the logic of *Nixon* and its insistence on evidence over privacy.

Judge Wright is not alone. Most federal judges have internalized a master narrative in which *Nixon* was the work of heroic judges who saved the rule of law: judges are presumptively good, presidents presumptively bad. This is the theme of a trio of Clinton-scandal-era circuit court decisions involving Secret Service privilege and government-attorney privilege.

In the Secret Service case, a three-judge panel of the United States Court of Appeals for the District of Columbia Circuit dismissed the suggestion that agents should not be obliged to testify against their boss unless they actually saw the president commit a felony.

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Although the panel thought this suggested balance was "strange," it nicely tracks the crime-fraud exception to attorney-client privilege and fits with what *Nixon* should have said. Quoting *Nixon*'s admonition that privileges "are not lightly created nor expansively construed," the court downplayed national security concerns that presidents would keep Secret Service agents at bay if they couldn't trust the agents to keep their mouths shut. The court's best argument was that national security concerns were strongest when the president was in public, but the proposed privilege would have its greatest bite in shielding information about private meetings. The best response to this is to admit that the privilege should be rooted in privacy as well as national security concerns, even though the language and legacy of the tapes case forced the president's lawyers to push national security while soft-pedaling privacy. Imagine how intrusive it must be to be shadowed everywhere and yet to know that those who wish to humiliate you may subpoena your guardians to talk about wholly lawful and even proper but nevertheless embarrassing activity.

Imagine, in short, how the vision of *Nixon* is wholly inadequate if you are an honest president. If we think about the interaction of the Fourth Amendment and Article II, surely there is a need to protect a zone of presidential privacy. Judges are sensitive to this concern in their own branch—cameras are not allowed in the Supreme Court, and justices would look askance at efforts to force their clerks to testify under oath about the justices' personal lives. More generally, if the chief executive thinks that the Secret Service should remain secret, and an inferior officer disagrees, why do judges heed the inferior rather than the chief?

This is the thread that, when pulled, unravels two circuit court opinions claiming that the president and other White House personnel may not invoke attorney-client privilege when they speak to government attorneys. The attorneys represent "the government," and somehow Starr embodies "the government," thereby displacing a duly elected president. In their own branch, judges think otherwise. The government pays law clerks, but many judges have told their clerks that they owe an absolute duty of confidentiality to the judge under attorney-client privilege. The circuit courts worry about attorney-client privilege shielding evidence of wrongdoing—but the answer to this is that the crime-fraud exception should apply to government attorneys.

But not any broader exception. Imagine an honest president who gets wind of a problem and instructs his aides to cooperate fully with his White House counsel. He assures them that what they say will be kept confidential so that they will tell the truth and he can, if necessary, remove the bad apples from his administration. But the circuit court opinions prevent the president from making this assurance stick—and the result is that judges are interfering with an honest president's ability to run his branch of government. This, too, is the legacy of *Nixon*, which crafted rules that failed to distinguish between White House conversations confessing past crimes on the one hand and conspiracies plotting new crimes on the other.

Modern presidential law is misshapen, and all three branches of government are to blame. Congress abdicated its proper oversight responsibilities in favor of an abominable independent counsel statute. Presidents have at times been crooked and have opted to litigate key issues of presidential privilege on weak facts. But, most of all, judges have failed to see the big constitutional picture and have succumbed to their own institutional hubris.

Now could be the perfect time to undo the damage. In 2000, the House, Senate, and presidency are all genuinely up for grabs, a truly rare cosmic alignment. Before we know which party will win which branch, let's draft sensible rules for each branch. Let's start by letting the independent counsel statute die. Any successor statute must exclude judges altogether from the process of picking, monitoring, and firing prosecutors. Provision could be made to enable the White House to pick independent counsels on its own (the Cox/Jaworski model), or the president could nominate independent counsels subject to Senate confirmation (as happened in Teapot Dome). On either approach, independent counsels could be selected ad hoc, or a more permanent set of watchdog positions could be created, to be filled before scandal erupts.

Congress should also craft an omnibus presidential privilege bill—fashioning rules for when (if ever) a sitting president can be sued in civil cases; providing for tolling of statutes of limitation in the event of temporary presidential immunity; and delineating sensible boundaries for various executive, government-attorney, and Secret Service privileges. The statute should also reaffirm the historically sound and structurally sensible rule that a sitting president cannot be forced to stand trial against his will in an ordinary criminal court. The *Jones* case did not decide otherwise; the president had the legal option simply to default the civil case, whereas in an ordinary criminal prosecution defendants can be physically obliged—with leg irons, if need be—to stand trial. (Indeed, Stevens in *Jones* pointedly distinguished the case at hand from "the question whether a court may compel the attendance of the President at any specific time or place.") Also, unlike a mere civil suit, a criminal conviction and imprisonment could effect a de facto removal from office. As a matter of both federalism and separation of powers, judges and local juries lack this power over the nation's chief executive. The president is elected by the nation, and only the nation's representatives, via impeachment, can properly undo this election.

These reforms cut against the spirit of the tapes case, but by now it should be clear that that spirit has itself been a great source of disruption in the institutional balance of our national government. Instead of writing an honest opinion impeding a crooked president, the *Nixon* Court wrote a crooked opinion impeding honest presidents. Crooked presidents need to be straightened out, of course. So do crooked precedents. •

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BOOKS & The Arts

Stanley Kauffmann on Films

More Than Facts

Time slithers on. By now there have been so many documentaries about the Holocaust that they compete with one another, except for *Shoah,* which stands high and alone. Imaginative films about the Holocaust, even when based on biography like *Schindler's List,* are a different order of being, drawing on different intent and means. Documentaries are fact, the flexing of fact into cinematic form; but, by now, so many facts about the Holocaust are so familiar that a new documentary on the subject must face the profane question: Why? No one who has ever been shaken by the Holocaust wants to stop being wrung by it, chilled by it, ultimately mystified by it; but precisely because this is so, we ask that question of a new Holocaust documentary.

James Moll answers that question simply and well. In **The Last Days** (October) he presents five people, survivors, and lets them speak. Biography, small-scale biography, is the core. This is not a new approach: among others, Claude Lanzmann used it in *Shoah,* as Marcel Ophuls did in *The Sorrow and the Pity,* but its use here is worth underscoring because Moll has moved surely in this method to make his film more than a recital of events. *The Last Days* leaves us feeling not that some familiar harsh facts have been once again spilled past us—though this does happen—but that we have encountered five human beings who know more than we could ever want to know, and whose presence will linger.

All five are Jews born in Hungary, now living in the United States. One of them in fact is a congressman, Tom Lantos (a striking resemblance to Bela Bartok), who is the only one born in Budapest. The other four, Alice Lok Cahana, Renée Firestone, Bill Basch, and Irene Zisblatt, came from small towns. All of them remark on how late in World War II the assault on the Jews came to Hungary—March 1944—when the Axis forces already seemed doomed and yet Hitler persisted in his second war, against the Jews.

The five stories are deftly interwoven by Moll, along with archival footage that puts these stories in contexts of time. We also see the women, each accompanied by a son, returning recently to some of the places of the past. These visits are not mere sentimental journeys—Auschwitz is one of the places visited—they seem attempts to deepen the next generation's memory.

All five of the stories do a good deal more than hold our interest. Two of the details are prime examples. When the German soldiers arrived at Firestone's house and told the family they had half an hour to pack twenty-five kilos of possessions to take with them, the teenage Firestone chose, of all things on earth, a bathing suit that her father had given her, an important symbol to her of what her family's life had been, and put it on under her dress. She wasn't able to keep it long, but the fact that she chose it crystallizes both her age at the time and her love of her family. When Zisblatt was being taken away, her mother told her that she had sewed five diamonds into the hem of the girl's skirt. The story of how Zisblatt retained those diamonds through her time in the camps ought to be funny, but it isn't.

One tangential story clings. A California doctor, a black man who was a U.S. Army private in the corps that liberated Auschwitz, recounts how he met an ugliness of his own there. He adds that he recently received a posthumous gift from one of the camp survivors who had lately died and who had not forgotten this soldier's help.

One point puzzles me about the five main stories. Several of these people talk about the harmony of their lives before March 1944 and say that they were surprised at the sudden hostility of non-Jewish friends and neighbors. But since 1920 Hungary had been ruled by a Regent, Admiral Horthy, who (says Istvan Deak) "claimed to have been a lifelong anti-Semite" and under whom restrictive laws against Jews had been passed. Though Horthy resisted the role of Hitler stooge, the atmosphere in which these five people grew up was not, from the Jewish view, serene.

What's inarguable, however, is how much they loved their families. I won't forget that bathing suit.

Luckily, happily, the world continues to be, in many ways, ridiculous. A documentary from Texas is one more proof.

The title **Hands on a Hard Body** (Legacy) has been chosen to make us chuckle when we learn what it means. The hard body here is a Nissan pickup truck. In 1992, a Nissan dealer in a Texas town cooked up an advertising idea: a contest. A new pickup truck was parked on his lot, contestants were invited to stand around the truck (the number of contenders was limited), and whoever kept

FILMS WORTH SEEING

The Children of Heaven. *Another Iranian meditation on the mysteries of childhood. A small brother and sister in Tehran and their difficulties about a pair of sneakers. (Reviewed 2/22/99)* **Dr. Akagi.** *Shohei Imamura, in his typical rough veristic style, follows a doctor in rural Japan during the last days of World War II. (2/8/99)* **Dry Cleaning.** *Unconventional sex upsets a provincial French married couple who thought their lives were settled. (2/15/99)* **Shakespeare in Love.** *And how he—perhaps—wrote* Romeo and Juliet. *Fun.* (1/4&11/99) **—SK**

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a hand on the truck longest won the truck. Every hour a five-minute break was permitted, and every six hours a 15-minute break. Otherwise they had to stand with at least one hand on the truck without leaning on it.

The contest was a hit. The media gorged on it, and the community roundabout transmuted it from commerce into titanic heroism. The winner managed to stand there eighty-seven hours and became a local hero. The contest continued as an annual event, and in 1995 S.R. Bindler decided to make a documentary about it. The camera work just about passes muster, but the editing is keen, and, most important, Bindler's attitude is absolutely right. He doesn't satirize: he observes, and leaves the satirical view as an option for us.

This is not only humane but apt, because all these people are serious. (The only one in a slightly different key is the dealer's marketing director: she is more business-like than the almost dreamy, totally subscribed contestants.) The 1992 winner is back for another try. The others include a young woman who "knows" she is going to win, a black man who is keen but relaxed, and an adipose woman who listens to hymns on a headset and has a "prayer team" of friends backing her up. I won't reveal the finish.

After the sharp character touches, what is most striking is the rhetoric. In this blatant advertising stunt, contestants rhapsodize on how they learned about humanity from their rivals, explored stamina and clarity of purpose in themselves. It reminded me of the 1930s, when men used to vie in flagpole-sitting contests. Some person or company put up prize money for the man who could sit atop a flagpole on a building for the longest time. I forget what the winning number of days was, but I remember an interview with one of the winners, florid with the same Texas diction of grand heroism. Narcotics come in various shapes and sizes. •

Robert Brustein on Theater

An Oscar for Clinton

Now that the whole impeachment mess has been scraped off the Senate floor, we may once again have the opportunity to behold our president in some other role than as the comic butt of Comedy Central or the chief performer in Kenneth Starr's $40 million version of the *Kama Sutra*. I propose to induct him into the acting profession and to nominate him for a special Academy Award for his recent State of the Union address. Instead of blinking under the blinding glare of the media lights, he emphatically demonstrated that he is a superb showman, deserving of the highest honors of the profession.

Clinton's theatrical prowess has improved exponentially since that seemingly fatal day at the Dukakis convention when, stumbling over a nominating speech as long as one of Castro's, he had Democratic delegates frantically signaling him to get the hell off the stage. In the days of vaudeville, they had to use a hook on the dumb clucks who didn't know when they were bombing with the circuit audience. On the basis of his convention performance alone, Clinton's theatrical future would seem to have been limited to moving the furniture around the stage and sobering up the top banana.

But lately the House Republicans have been doing all the bad acting, gloating over their victim like the renegade lynch posse in *The Oxbow Incident*—or, in the case of Lindsey Graham, doing an impersonation of Reverend Davidson in *Rain*, Bible-thumping Sadie Thompson. It is amazing how some of these self-confessed sinners can manage to blame Clinton for the very vices that they enjoyed themselves. It took the unrepentant reprobate Larry Flynt to expose them for the Tartuffes that they are.

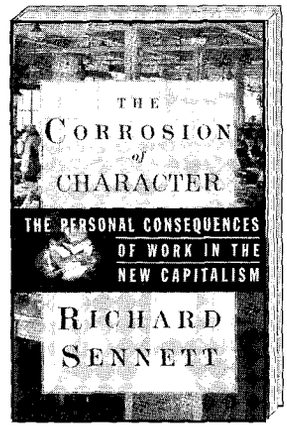
Meanwhile Clinton has undoubtedly emerged as the most popular actor in America, even if Republican legislators keep walking out on his act. Commentators have been comparing his reception across the country to that of a rock star such as Mick Jagger or Michael Jackson. By my lights, with his flowing mane, bulbous nose, and Fearless Fosdick chin, he looks more like an old-fashioned matinee idol on tour—say, James O'Neill wowing theatergoers across the nation in *The Count of Monte Cristo*.

Most actors would be satisfied to receive applause on their entrances, exits, and curtain calls. In his State of the Union address, Clinton managed to

"Provocative... illuminating."
—The New York Times

THE CORROSION *of* CHARACTER
by Richard Sennett

THE PERSONAL CONSEQUENCES OF WORK IN THE NEW CAPITALISM



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provoke thunderous applause on every other sentence. He not only got the Democratic side of the house clapping wildly every time he opened his mouth, he received more than a few standing ovations. True, those Republicans who decided to show up that evening, and who remained in their seats throughout most of his performance, preferred to stare glumly at their hands whenever the Democrats jumped to their feet. But even this behavior became grist for Clinton's improvisatory talents, as when he stopped the show to ad-lib about "seesaws." There was no question that this was a man who knew how to work a crowd.

What accounts for the extraordinary improvement in Clinton's histrionic techniques? For one thing, he seems to have been taking voice lessons. (So, by the way, did Jimmy Carter.) Certainly something has improved his speech placement, his regional accent, his vocal projection. He has always known how to poke a finger in the air and apply a little *ritardendo* when trying to underline a particular turn of phrase ("I did not ... have sex ... with ... that woman ... Monica Lewinsky"). Having now admitted to an "improper" relationship with "that woman," he has been freed to develop more embracing arm gestures and a whole new set of vocal intonations.

Consider how expertly he handles the teleprompter. He seems to be stroking the audience rather than scanning the screen. If most people are unaware that he is reading his part, it is because, like all good actors who inhabit their characters, he seems to be making up his lines as he goes along. This is impressive enough in relatively short Shakespearean soliloquies; but it is absolutely dazzling in an eighty-seven-minute monologue. To achieve this effect, of course, you have to believe completely in what you are saying at the moment you are saying it—even if your part demands that you say (and believe) the exact opposite a moment later.

The last White House actor with this kind of gift was John F. Kennedy, the most handsome president since Jefferson. But despite Kennedy's good teeth and cold steely eyes, he was undermined by a pronounced regional accent. Even when declaring "*Ich bin ein Berliner*," he never managed to leave Scollay Square. Lyndon Johnson, with the craggy features of a benevolent John Wayne, possessed a "c'mon to mah house y'all" charm that seemed virtually irresistible as long as he was starring in Westerns. It all evaporated when he started playing the bad guy in war movies about battles that he couldn't win. Richard Nixon always reminded me of Elisha Cook Jr., the sniveling hood that Humphrey Bogart liked to bait in *The Maltese Falcon*: there was always a character behind the character waiting to jump out and spoil his performance. Jimmy Carter had genuine sincerity, but he also had a voice that oozed peanut oil, and so his acting career never got off the ground enough to earn him a sequel. As for Ronald Reagan, the first American president who actually was a movie star, well, he played Ronald Reagan for eight years.

Reagan had far greater experience in front of a camera than Clinton, but the current president almost makes the Great Communicator look like he was acting in silents. Being more an announcer than an actor, Reagan used to sell his political programs in the same manner as he once peddled General Electric refrigerators, with a smile and a shoeshine. Clinton, by contrast, has the patented sincerity of a Method actor, and the kind of vibrant intensity that you associate with such movie presidents as Harrison Ford or Kevin Kline. He has even begun to look a little like them.

He is also acquiring the animal magnetism and the bright luster you only see on stars attending movie premieres: the *Inside Edition* look. True, he clenches his jaw muscles a little too often when he wants to look resolute. And he overdoes that trick of pursing his lips, shaking his head, and letting his voice rise sanctimoniously when he wishes to pay homage to some sports figure or war hero or dead national leader. But let Clinton have his moments of counterfeit piety. Considering how overexposed the man is, it is a wonder that he manages to invest each moment with even a hint of freshness.

Clinton's secret may be that he truly loves his audience, and so he cannot understand why everyone does not love him in return. Anyone who has spent more than three minutes with the man knows how much he loves to talk, how reluctant he is to release your hand (or your wife's arm) until he has won approval for his current agenda. He is passionately, and volubly, devoted to proving how slickly he does his job.

Perhaps his greatest theatrical triumph has been his capacity to perform his role while being pilloried daily by an army of critics. Imagine a star walking confidently on stage, as Clinton did before his State of the Union address, right after being told that he might be fired from the play and replaced by his understudy. Does he show any strain over the bad reviews that every day brings? Not that I can see. Aside from a little puffiness under the eyes, he retains the rubicund good looks of a well-exercised health-club member. His body language gives little hint of how he has been flagellated by the Judiciary

Apartment Sale

Mrs. Apple thought I wasn't looking
when she dropped my mother's gold pin
down her blouse, then snorted
after haggling me to fifteen dollars
for the cherrywood breakfront
that looked exactly like the one
Jackie Kennedy had in the White House.
Mr. Pepps decided against my father's
first get-rich scheme—a flintless lighter,
but paid fifty cents for a honeymoon mug
my mother got in Atlantic City. He himself
didn't care for marriage, but liked coffee.
My mother's best friend, Bea, got
the mother of pearl hairbrush she coveted,
but looked insulted. The Salvation Army
took the blue sofa with a big moon stain
rising over twenty-one ocean waves.
I kept a photo of my mother standing
at attention in front of our old house,
smiling with her eyes closed, as if
she didn't want to see everything
that was going to happen. A big bow,
pink I imagine, in her blond curls.

PHILIP SCHULTZ

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Committee, harassed by the press, ridiculed by comedians. The role that he plays best is that of a vigorous can-do guy eager to return to business and to reorder the priorities of the nation and blah blah blah.

Perhaps Clinton will support his new initiatives with more steadfastness than he has displayed with some of his policies (and appointments) in the past. When he weds style to substance, there is nobody to match him. Al Gore's political strategists must have had a few bad moments watching Clinton's recent performances. No doubt it was cheering to see the president blowing away the opposition and increasing his standing in the polls with each new scandalous revelation. But it couldn't have been pleasant to watch the next Democratic candidate, Clinton's faithful understudy, sitting so impassively behind the star during the State of the Union address. That spectacle reinforced a growing fear that our media-saturated nation would most likely never follow a mesmerizing headliner with a man who, no matter how articulate he is before an audience, has trouble articulating his facial muscles.

Still, if Clinton could manage to overcome his early awkwardness in public, so can Gore. But isn't it a little scary that we are losing our capacity to distinguish public charisma from personal authenticity? Isn't it a little depressing that political candidates have a hard time getting elected these days unless they display the physical appeal and the spiritual vapidity of Hollywood stars? •

Equality's Pleasures

BY THOMAS NAGEL

Sex and Social Justice by Martha C. Nussbaum

(Oxford University Press, 476 pp., $35)

Any society concerned with fairness must try to decide what general structures or modes of treatment, applied to persons who differ greatly one from another, will qualify morally as a form of equal treatment, or at least as not egregiously unequal treatment. In some cases, such as the vote, identical treatment will do. In other cases, such as taxation or maternity leave, it clearly will not. Sex is one of the most important dimensions in which people differ; they come in two sexes and a variety of sexual roles and orientations. Apart from being one of the most important things in life, sex is at the heart of the structure of families and responsibility for children, and therefore at the heart of everyone's socioeconomic status. So it is hard to tell what laws, practices, and institutions would come closest to meeting the conditions of normative equality or equal consideration of persons against the background of such deep differences and inequalities.

In the face of such a problem, there almost inevitably develops an opposition between liberal and radical approaches. Liberals attempt to discover a way of taking the differences into account in the design of fair institutions without hoping to transcend the differences themselves, because they are considered part of the human complexity and diversity that cannot be abolished without tyranny. Radicals are more optimistic about eliminating the source of the problem, root and branch, persuaded that differences that many find natural or inevitable are really the social product of temporary conditions, to be transformed by a revolution in conventions, mores, or human self-understanding. The conflict within feminism between liberals and radicals is an example of this classic problem.

Martha C. Nussbaum presents a broadly liberal outlook in this rich though uneven collection of essays about feminism, homosexuality, the subjection of women in the Third World, and the social, historical, and religious variations in sexual consciousness. The political theory upon which she relies is derived from John Rawls, Susan Okin, and Amartya Sen, and contains no surprises. It is an egalitarian but individualistic liberalism that aims to secure for everyone the basic capacities, opportunities, and freedoms that will allow them to pursue a good life. What is of interest is the application of this idea to the complexities of sex and their wide variation across cultures. Nussbaum considers important issues about the degree to which sexual desire and sexual norms are socially shaped, and about the relation between liberal tolerance of religious and cultural differences and liberal concern for equality of status and treatment. She engages with radical feminists, cultural relativists, and anti-gay conservatives. Nussbaum is a compulsive writer and often goes on too long, but one gets a useful picture of the contemporary battlefield.

Her most sobering chapters are those that deal with the situation faced by women in parts of Asia and Africa, where cultural and religious traditions of crushing subordination and restriction are pervasive and powerful. In this era of international recognition of human rights, the oppression of women deserves equal status with racial or religious persecution and police-state methods as a target of protest. This oppression may be imposed by the state, as in Afghanistan, but it is often privately enforced. Nussbaum describes a widow in India subject to beatings by her in-laws if she breaks the ban applicable to women of her caste on leaving the house, even to work the plot of land that provides the only food for herself and her children. In Pakistan, she reports, conviction for rape requires four male witnesses, and an unsuccessful accusation of rape constitutes a confession to fornication, an offense punishable by whipping. There is a grim chapter on female genital mutilation, widespread in Africa, and designed to make sexual pleasure a male monopoly, so that women can be trusted to leave the house and work in the fields without being led astray by uncontrollable lust. Think about the diabolical genius who invented those procedures of cutting off the clitoris and labia. And think about the sexuality of men who prefer to take their pleasure with a numb partner.

In another chapter, Nussbaum documents the important point that often, though not always, the disabilities of women are imposed with the authority of religion, particularly Islam; but there are very serious Hindu examples as well, and a few milder Jewish and Christian ones. Nussbaum discusses the dilemma that this poses for liberalism, which is committed to both religious toleration and individual rights. India and Bangladesh, though they have liberal democratic constitutions, allow religious law to govern certain aspects of private life. (To a degree, the same is true of Israel.) This can result in severe disadvantages to women in regard to marriage, divorce, property, child custody, and so forth. Toleration of religious pluralism can overshadow concern for equal treatment of individuals. She also observes that, when it comes to the international

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response to the maltreatment of women, "these violations do not always receive the intense public concern and condemnation that other systematic atrocities against groups often receive—and there is reason to think that liberal respect for religious difference is involved in this neglect."

As she astutely notes, the Supreme Court's 1972 decision in *Wisconsin* v. *Yoder*, which permitted the Amish on religious grounds to withdraw their children from school after the eighth grade, provides an American example of the link between respect for religion and sexual inequality. It did more damage to the freedom of girls than of boys, since the boys learn marketable skills such as carpentry that make it easy for them to leave the community later if they choose—a further reason why it was a bad decision.

In the worst cases, such as Afghanistan, Iran, and Sudan, religious law is imposed by a tyrannical state, so there is no question of defending it out of respect for religious pluralism. But elsewhere the attitude toward religion poses a real problem for liberalism—a problem of the limits of toleration. It is a difficult question of priorities. Right now, in the United States, most religions teach that homosexuality is sinful, promoting torments of guilt, concealment, and self-denial among their members who discover after puberty that their primary sexual attraction is to members of their own sex. Given its effect on individuals, how much toleration should liberals want to accord to groups that form the lives and the minds of children as well as adults?

The anticlerical impulse is a real test for the liberal inhibition against imposing one's own values across the board. The French ban against girls wearing the Islamic head-scarf to school would be unimaginable here, but its motivation is understandable. Nussbaum's horror stories show that there is a hard question about where to draw the line between respect for religious communities and protection of individual autonomy. And she takes a fairly tough line, which seems right.

Her position starts from the principle that "the fundamental bearer of rights is the individual human being." This means that the state should not enforce religious rules about marriage, divorce, and education, and that it should not discriminate between the sexes, even if it does so in a system that treats all religions symmetrically. But active state interference is a trickier matter. Nussbaum would not allow anti-discrimination law to require the Catholic Church to admit women to the priesthood; but she thinks that conduct by a religion that does not lie within what she calls "the core of worship" should be subject to review for violation of equal rights. One might add that it is essential that anyone should be free to leave a religion, and that policies that affect non-members should be much more vulnerable to public scrutiny than policies that do not.

The inferior status of women in America and other Western democratic societies pales by comparison with much of the world, but in spite of recent progress, it displays a stubborn persistence. This raises the question how deep beneath the surface of legal and institutional structures it is necessary or possible to extend a movement of social reconstruction. Institutional change is essential, of course, to overcome political, legal, and above all economic inequality between men and women. And much remains to be done: even if conditions of employment, child care, child support, and divorce can be improved by governmental action, the most basic institution, the family, will alter its division of labor and power only by the transformation of habits and conventions over generations. Progress in all these respects is under way, and widely regarded as a good thing. What is more controversial is the question of transformations in sex itself—in sexual life, feelings, conduct, and the understanding that people have of their sexuality.

The controversy is connected with the issue of how much sexual desire is socially shaped, or "constructed." Nussbaum is far more sympathetic to the radicalism represented by Catharine MacKinnon and Andrea Dworkin than most liberals are. She credits them with having exposed deep-seated attitudes that support the inequality of power between men and women while concealing those inequalities from view, particularly in the treatment of rape, domestic violence, and sexual harassment, but not only there. Fortunately, we are getting rid of the idea that it is the role of men to try to impose themselves sexually on women, and the role of virtuous women to resist until marriage, and then to submit; that it is a mark of general lasciviousness in a woman, and a forfeiture of protection against being forced, if she ever willingly has sex outside of marriage. This conception was responsible for the requirement of active resistance, even at the risk of physical injury, to sustain a charge of rape, for the admission of evidence about the sexual history of the victim in rape trials, for the nonrecognition of marital rape, for the indifference to sexual harassment as a serious offense in the workplace or other institutional settings. The blend of excitement, fascination, and contempt aroused in unreconstructed males by female desire is one of the ugliest elements of this syndrome.

Even if radical feminists have contributed to the decline of these attitudes, it is part of a wider sexual revolution in which others have been just as important. But Nussbaum expresses particular sympathy with the claim that social injustice invades and shapes sexual feelings themselves. Just how far she is prepared to go with MacKinnon and Dworkin is not clear. She says at one point that "certainly we may agree with MacKinnon and Dworkin that sexual intercourse is, in crucial respects, a meeting of socially constructed fantasies and role enactments more than it is of uninterpreted bodies," but this is too vague to count as a significant agreement.

In another essay, however, she says that Dworkin should have been "more circumspect" in her rhetoric, to avoid giving the impression that she thinks all heterosexual intercourse is rape:

> Examining her rhetoric with care, one may discern a far more plausible and interesting thesis: that the sexualization of dominance and submission, and the perpetuation of these structures through unequal laws (such as the failure to criminalize marital rape or to prosecute domestic violence effectively), have so pervasively infected the development of desire in our society that "you cannot separate the so-called abuses of women from the so-called normal uses of women." This sentence certainly does not say that all acts of intercourse are abuses. It does say that the dominant paradigms of the normal are themselves culpable, so we can't simply write off the acts of rapists and batterers by saying that they are "abnormal." Gendered violence is too deep in our entire culture.

It is not perfectly clear what Nussbaum is saying, but she seems to be endorsing the claim that rape and battery are just fuller and franker expressions of the feelings present at the core of most heterosexual relations in our society.

MacKinnon and Dworkin have gotten a lot of mileage out of this charge, and they have been helped along by the discreditable thrill that too many men feel at being portrayed as dangerous rapists: they all want to hear about how terrible they are. I think that the idea is nonsense, though without looking into the souls of my fellow Americans, I can't prove it. Anyone who does not flee from self-awareness knows that the inner life is a jungle, most of it never expressed. Apparently some women and some men

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are aroused by fantasies of rape and degradation, and there is pornography addressed to such fantasies; but it is simple-minded to regard this as a matter for societal concern.

The socially important features of sexual consciousness are more mainstream and closer to the surface, and these have responded to criticism. It is now impossible not to cringe at even the best movies from the 1950s, with their thoughtless assumption that women would be passive, unprincipled, and subjected to hilarious humiliation at the hands of men. (The same is true of the portrayal of blacks as childish and ridiculous.) The fact that these conventions which were once second nature now seem benighted shows that things can improve. Still, to overcome the maltreatment of women and the refusal to take them seriously it should not be necessary to attack all asymmetries in the sexual relation, as infections of "dominance."

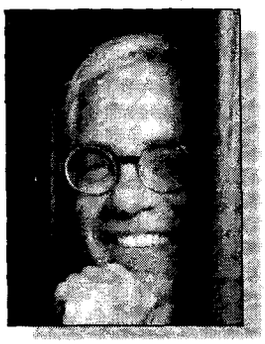
Nussbaum has a lengthy discussion of the charge of "objectification," in which she comes down in favor of D.H. Lawrence's way of seeing women as sex objects and against *Playboy*'s. "One cannot even imagine Mellors boasting in the locker room of the 'hot number' he had the previous night, or regarding the tits and ass or the sexual behavior of Connie as items of display in the male world." This is rather high-minded, and it is uncharitable to the readers of *Playboy*, whose drooling over the centerfold need not be incompatible with treating women with respect, and even more important, with regarding the sexual desire and sexual behavior of women without contempt. Women's bodies are great erotic vessels, and there is nothing wrong with erotic art that displays them as such, and arouses the physical imagination.

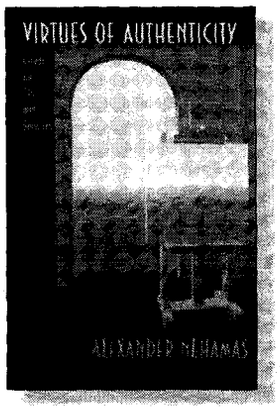
We all speak inevitably out of our own experience in discussing these matters. Being a man and not a woman, and inhabiting a relatively feminized corner of this society, I may underrate both the sexual solipsism of most American males and the sense of violation on the part of most American women on receiving their gross attentions. Certainly the appeal to many women of Dworkin's and MacKinnon's violent images reveals something—if only that there is a great deal of sexual unhappiness out there. As Nussbaum observes, however, one kind of sexual objectification, the surrender of autonomy and control during sex, can be personally and sexually fulfilling for women. Sexual dismantlement drives all of us, men and women alike, deeper into our bodies, and thereby reunifies the multiple layers from the most civilized to the least civilized.

The mere fact that sexual desire and sexual relations are socially shaped does not mean that they have to be infected with injustice. Other natural appetites, for food and drink, are subject to elaborate socially created forms of expression and fulfillment without carrying much of a message, except when they become vehicles for conspicuous consumption. Of course, sex is a relation between people, and more likely to be entangled with their other relations. Yet sexual feelings are powerful enough to determine a good deal in their own right, whatever the social setting. It is not a mere convention that men and women are anatomically and sexually different, and that in sexual intercourse these differences are imaginatively and physically expressed and acted out. Social structures can reach deep into the core of the self, but they usually do not replace it—certainly not in the case of anything as fundamental and powerful as sexuality.

It is almost impossible to get reliable information about this subject, because the motives and the opportunities for concealment of what really goes on in the minds and the bodies of people in bed are nearly unlimited. What is revealed will be strongly influenced by whatever social norm holds public sway. Yet there is a datum that convinces me that social construction is relatively powerless over sexual desire, and it is the unquenchable survival of homosexuality in the face of the most severe repression and public obloquy. Nussbaum is sensibly skeptical about the social explanation of basic sexual orientation, invoking "the feeling of determination and constraint that is such a common feature of self-reports concerning homosexuality in our society." We must distinguish, she rightly says, between the social explanation of norms and the social explanation of desires. One of her essays offers a heartfelt defense of gay and lesbian rights. It seems to me that the much-maligned desires of horny heterosexual males deserve comparable understanding.

Norms and practices can change rapidly, as we have seen in recent years with regard to everything from extramarital cohabitation to oral sex. (The latter is considered among the young, we are told, as less "intimate" than intercourse.) But there always seem to be taboos of some sort. In ancient Athens, for example, where sexual relations between men were common, actual penetration, anal or oral, was socially condemned, and the younger partner, while submitting to intercourse between the thighs, was not supposed to experience sexual pleasure himself.





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Nussbaum is a specialist in ancient philosophy, and some parts of her book deploy this expertise at numbing length. The information about Greek homosexuality, for example, appears in a chapter based on her testimony before a Colorado court on the merits of Colorado's notorious Amendment 2 (subsequently found unconstitutional by the Supreme Court) which denied anti-discrimination protection to homosexuals. She says that she was called in only to rebut historical and philosophical testimony offered in defense of the amendment, and that she thinks all this material is irrelevant to the case. That is a relief to hear; but then she goes on for many pages about the views of Socrates, Plato, and Aristotle on homosexuality. She seems to be straining to show that Plato never condemned sex between men.

A comic example of her classical piety is the invocation of Seneca's argument, in *On Anger*, for mercy and against retribution, which is offered as a response to Dworkin's bloodcurdling fantasies (in the novel *Mercy*) of kicking men to death to avenge the crimes committed against women. Nussbaum's writings tend to be bloated with references; in this book the endnotes go on for eighty-eight pages. There is too much heavy cultural artillery being trained on the problems of the day. Yet on most of the topics treated here Nussbaum is a voice of good sense and goodwill, and a reminder, for those who need it, that sex is the scene of some of the worst injustices in the world.

THOMAS NAGEL is the author most recently of *The Last Word* (Oxford University Press).

Deceiving Is Believing

BY CHARLES LANE

Rigoberta Menchú and the Story of All Poor Guatemalans by David Stoll

(Westview Press, 336 pp., $27)

Has any book in recent decades been more influential in shaping perceptions of Latin America than *I, Rigoberta Menchú*? Since its publication in English in 1984, this first-person account of a young Mayan woman's experience of unspeakable cruelty at the hands of Guatemala's landowners and military bosses has become required reading in anthropology, women's studies, and Latin American history and politics courses at universities across the United States. At the University of Maine, it was selected as the "class book" for the class of 2000, meaning that nearly all students who matriculated in the fall of 1996 had to read it as a condition of graduation. According to Menchú herself, it has inspired some 15,000 scholarly papers. It has been translated into twelve languages.

I, Rigoberta Menchú also gained its author the Nobel Peace Prize in 1992. In the emblematic year of the Columbus quincentennial, Menchú struck the Nobel Committee in Norway as the perfect embodiment of the downside of the Discovery. In the intervening years, not surprisingly, the tiny, earnest figure of Menchú has become a forceful political presence in her native country and elsewhere. She has traveled the world as a United Nations-sponsored advocate for the indigenous peoples of the world, using her prestige to help advance peace talks between the Guatemalan government and the remnants of its Marxist guerrilla forces, and on behalf of such causes as the campaign in 1995 to urge Starbucks to support higher wages for Guatemalan coffee pickers. "Menchú herself worked in the coffee fields as a girl," the *Seattle Post-Intelligencer* reported. "It was a life, she [said], that left no time for dreams."

The authority of Rigoberta Menchú and *I, Rigoberta Menchú* was owed, quite obviously, to the authenticity of the woman and the book. But that authenticity turns out to be an invention. *I, Rigoberta Menchú* is not, alas, a true story. As David Stoll shows in his riveting and masterfully researched book, Menchú embellished or fabricated some of the most horrific details—and some of the most mundane details—in her inflamed first-person account.

The book revolves around a land dispute, in which her humble father Vicente was purportedly cheated and ruined by rich *ladinos* (Spanish-speakers of European descent). The truth, as Stoll demonstrates, is that the dispute was a family feud between Vicente Menchú and his own Mayan in-laws. The younger brother that Menchú supposedly watched starve to death never existed. One of the most vivid moments in *I, Rigoberta Menchú* is the public burning of Rigoberta's younger brother Petrocinio and other prisoners by Guatemalan Army troops. "[T]hey lined up the tortured and poured petrol on them; and then the soldiers set fire to each one of them," Menchú writes. "Many of them begged for mercy. They looked half dead when they were lined up there, but when the bodies began to burn they began to plead for mercy. Some of them screamed, many of them leapt but uttered no sound—of course, that was because their breathing was cut off." This incident, too, never occurred.

There is much more. On the very first page of her memoir, for example, Menchú also offers the heart-rending information that she was denied an education: "I never went to school, and so I find speaking Spanish very difficult. I didn't have the chance to move outside my own world and only learned Spanish three years ago" (that is, 1979). Stoll shows that she actually spent time in the late 1970s as a scholarship student at prestigious boarding schools run by Belgian nuns. She spoke Spanish well from a young age. And this child of a relatively well-off farming family was never forced to do harsh, low-wage labor in the coffee fields, as her book also claims.

Perhaps the best measure of Stoll's devastating scholarship has been the lameness of the rebuttal from Menchú's supporters. Verso, the leftist British publisher that produced Menchú's book in English, defended it this way: "Those who have worked in similar oral cultures tell [us] that the distinction between what has happened to oneself and what has happened to close relatives or friends can be easily lost." (Indians lie, you see.) Marjorie Agosin, who chairs the Spanish department at Wellesley College, spoke for many in academia when she candidly told the *Chronicle of Higher Education* that "Rigoberta Menchú has been used by the right to negate the very important space that multiculturalism is providing in academia. Whether her book is true or not, I don't care. We should teach our students about the brutality of the Guatemalan military and the U.S. financing of it." The Nobel Committee has also not been shaken by the news that it elevated a fraud: noting thoughtfully that "all autobiographies embellish to a greater or lesser extent," it has made clear that a reconsideration of her award is out of

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the question. "[D]isagreeing with someone is one thing, seeking to ridicule that person is something else," fumed Federico Mayor, the director-general of UNESCO, which has enlisted Menchú as a goodwill ambassador. "This year, when Christmas and Ramadan coincide,. we should contribute generously to understanding among people instead of indulging in such insidious campaigns of denigration."

For her part, Menchú has offered a series of contradictory explanations. At a defiant press conference in Mexico City on January 20, she dismissed Stoll's findings as minor discrepancies. "It makes no difference to me whether [Vicente Menchú, her father] was burned with paraffin or phosphorous. My father is dead," she said. On February 11, however, at a press conference in New York, Menchú tried a different tack: "The book that is being questioned is a testimonial that mixes my personal testimony and the testimony of what happened in Guatemala," she claimed. "The book that is being questioned is not my biography." (*We, Rigoberta Menchú.*) But this is a baffling concession. How could other people have remembered things that did not happen?

Still, let us give Menchú her due. It is undeniably true that her family was decimated during Guatemala's conflict. As Stoll himself shows, her father was indeed killed during the fire that ended a left-wing protest at the Spanish Embassy in Guatemala City in 1980. Her teenage brother was not burned alive in the public square, but he was abducted and shot to death by the army. Her mother also "disappeared" (though it is clearly impossible for Menchú to know whether she was left to be eaten by animals, as *I, Rigoberta Menchú* claims). Plainly, the Guatemalan Army's counter-insurgency campaign in the early '80s was fierce and murderous; and the brunt of it fell on Guatemala's Mayan population.

Menchú's celebrity, however she earned it, has not been without benefits for Guatemala. Her Nobel Prize was one of the factors—though not quite as important a factor as the end of the cold war—that weakened the political legitimacy of Guatemala's military-dominated political elite, facilitating the negotiated peace agreement that finally ended three decades of conflict and helping further to democratize the country. As a result, the long-disenfranchised indigenous two-fifths of Guatemala's population is currently experiencing something of a political awakening. So what difference does it make, really, if Menchú isn't perfectly accurate about the fate of her family members and countless other Indians? Where, really, is the scandal?

The answer is that David Stoll is not engaged in an "insidious campaign of denigration." Though the press coverage of his book has focused overwhelmingly on its documentation of Menchú's fabrications, Stoll is too intellectually serious to have devoted so many years and so much effort—contrary to the UNESCO chief's idiotic demand that Stoll leave his "ivory tower" and go out to meet "the natives," Stoll made long treks into the Guatemalan highlands to conduct interviews with Menchú's surviving family and fellow villagers—in a morbid game of gotcha with the Nobel Laureate. The purpose of Stoll's book is not so much to expose the lies in an agitprop memoir as to recover the truth about an entire developing society and its recent experience with guerrilla war and military repression. Stoll not only succeeds in making his case for a new and convincing view of the Guatemalan conflict; he also succeeds in challenging us to think afresh about why so many North Americans have for so long accepted a view of that war that is profoundly misleading.

These lessons emerge most powerfully from Stoll's extraordinary reconstruction of the events of January 31, 1980 in Guatemala City. On that day, a group that included Vicente Menchú staged an occupation of the Spanish Embassy, ostensibly to protest human rights violations by the Guatemalan Army. Ignoring the protests of Spain's ambassador, who was trapped with his diplomatic staff inside the building, Guatemalan police stormed the embassy, and a fire broke out in which twenty-six protesters and ten hostages were killed. This tragedy was portrayed in *I, Rigoberta Menchú* and in subsequent media accounts as not only a violation of the Spanish mission's diplomatic status, but also an act of official mass murder. On October 17, 1992, in a report about the awarding of the Nobel Prize to Menchú, *The Washington Post* summarized the story this way: "Menchú's father, Vicente, a peasant leader, was burned to death inside the Spanish Embassy along with 37 [sic] others in January 1980, when he participated in a peaceful takeover of the building to protest military repression. The army burned the building despite opposition from the Spanish ambassador."

Few events in the Guatemalan conflict did more to brand the government as a band of thugs—and the left as an aggregation of martyrs—than the burning of the Spanish Embassy. It is fair to say that the subsequent narrative of Western academic and journalistic treatments of the Guatemalan war was largely established on that day. Yet Stoll, based on

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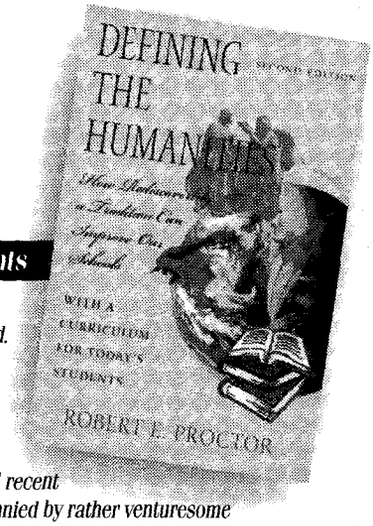

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interviews with eyewitnesses, including the former Spanish ambassador, and expert evaluations of the surviving photographic and documentary evidence, debunks the conventional wisdom about this event. Indeed, just about every word of that excerpt from the *Post* story turns out to be false.

Vicente Menchú was not a peasant "leader." He was a political neophyte manipulated into joining the takeover of the embassy by the Guatemalan guerrilla left's urban commanders. The takeover itself was anything but "peaceful." The masked militants burst into the embassy armed with machetes, Molotov cocktails, and three or four pistols—weapons that they frequently employed to force their hostages, including the ambassador, to act as human shields against the police. The "army" did not burn the building. Plain-clothesmen from the military-controlled national police were at the scene, but not army troops; and the deadly blaze started inside a barricaded room occupied by the leftists themselves, probably when one of the occupiers spread kerosene on the floor and deliberately ignited it.

Why would the occupiers have started the fire? A member of Menchú's left-wing guerrilla front organization who staged a similar occupation of the Brazilian Embassy in Guatemala City in 1982 told Stoll that they entered prepared to ignite their own Molotov cocktails inside a small space in the building rather than allow themselves to be arrested. This risky strategy was based on the quite rational expectation that occupiers would be tortured and forced to reveal the identities of their comrades if they were taken alive. (It also stood to reason that any militant who talked, even under torture, would be targeted for elimination by his own side if the army released him.) Whether all the participants in such escapades realized it or not, therefore, the organizers of embassy takeovers in those years knew that, barring an unlikely negotiated departure for a third country such as Cuba, the outcome for them was almost certainly going to be death—one way or another.

Thus, Stoll's verdict on the Spanish Embassy catastrophe is that, far from being a calculated act of barbarity by the regime (which carried out many other awful acts of calculated terror), the fire that consumed Rigoberta Menchú's father could well have been a "revolutionary suicide that included murdering hostages and fellow protesters." Vicente Menchú was not the victim of a genocidal government. He was the victim of a self-perpetuating politics of violence. The very revolutionary left that would later claim him as a martyr—and with which Rigoberta Menchú would later affiliate herself—was an integral element of this politics.

Indeed, the Menchú family first seems to have run afoul of the army not because of some racially charged land dispute, but because of the family's somewhat friendly relationship with a guerrilla group that started the war in Menchú's native mountains in 1979, by executing two wealthy landowners in cold blood. It was the army's reprisals for this guerrilla murder that Vicente Menchú came to Guatemala City to protest. His wife and his son were apparently killed later, in reprisal for guerrilla terrorism and for the fact that Vicente had participated in the embassy takeover (which was, as we have seen, organized by a guerrilla front group).

Stoll's central contention, as articulated in this book and in *Between Two Armies in the Ixil Towns of Guatemala*, which appeared in 1993, is that the war in that tormented country was a phenomenon of "dual violence." Deliberate provocations by the guerrillas, and not merely the government's mindless hatred of Mayans, stimulated the conflict. None of this excuses the army's brutality, but all of it is necessary to understand the army's brutality. In Guatemala, the guerrillas attempted to exploit army atrocities that they provoked so as to win recruits domestically, and to blacken the government's image internationally. As Stoll argues, these Leninist tactics were far more effective abroad than at home. The vast majority of the indigenous people of Guatemala came to reject the guerrillas. (You would not know this from Menchú's book.) They did so not out of any affection for the army, but out of the feeling that the guerrillas had led them into a fight with the army that they could not win, and whose main victims would be the indigenous people themselves.

By dismantling Rigoberta Menchú's myths, Stoll hopes to focus attention on precisely these most tragic victims of the war: those who felt trapped in the middle but found themselves rendered "voiceless" by Western intellectuals who preferred to focus on Menchú and her less complicated narrative of oppression and revolt. It is thus even more outrageous that some "scholars" of the conflict seem intent on vilifying Stoll rather than frankly addressing the facts that he has unearthed. Those in academia or other elite institutions who "don't care" whether Menchú's book is true or false are complicit in the silencing of the politically inconvenient thoughts and feelings of the vast majority of Guatemala's long-ignored rural population. For the implications of Stoll's account of dual violence in Guatemala are profound, and, if they are not ignored, should affect our historical understanding of the bloody events in such places as El Salvador, Nicaragua, Chile, and Peru—as well as our understanding of the apocalypse that may be about to happen in Colombia.

The guerrillas' strategy of heightening the contradictions may not have worked with most Guatemalans, but it worked with Rigoberta Menchú. Indeed, the fact that she was ignorant of the full truth about the embassy massacre probably made her decision to affiliate with the armed left easier. Stoll is no doubt correct when he explains this affiliation as her understandable reaction to her family's destruction during the war. Moreover, the fact that Menchú was *not* an ill-educated peasant woman made the political theories of the left more accessible and attractive to her.

From there it was a short distance to actually participating in a guerrilla-sponsored propaganda project—which is what *I, Rigoberta Menchú* was, at least initially. The book began its life in January 1982, in Paris, where Menchú had been brought by the international political wing of the Guerrilla Army of the Poor, or EGP (to use its Spanish initials). A radical branch of Guatemala's Cuban-supported Marxist guerrilla coalition, the EGP operated primarily in the highlands where Menchú was born. It was founded in 1972 by Ricardo Ramírez, an old friend of Che Guevara who shared Che's belief in *foquismo*—the romantic and erroneous notion that the dramatic military feats of a small band, or *foco*, of guerrillas could inspire politically dormant peasants to join a revolutionary war. It was the EGP's attempt to enact this strategy in the remote area where Vicente Menchú had his farm that provoked some of the bloodiest army reprisals in the early '80s.

In Paris, the EGP steered Menchú to Elisabeth Burgos-Debray, a Venezuelan Communist anthropologist who had also been part of Guevara's circle in the '60s. (Her husband, Régis Debray, launched his career as a participant in Che's failed Bolivian adventure.) Originally, the idea was for Burgos-Debray to write a magazine article based on Rigoberta's recollections. Once Menchú started dictating, however, there was no stopping her. As Stoll puts it, "what resulted was an explosion of memory and imagination, in a young woman who had lost most of her family, who had found a new home in the revolutionary movement, and who was determined to fight back."

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Rigoberta's defenders, including Rigoberta herself, have sometimes tried to shift blame for the book's flaws onto Burgos-Debray. Indeed, the Nobel Laureate's saintly image has been marred by unseemly disputes with Burgos-Debray over the unexpectedly high profits from the book, rights to which Menchú initially signed away. Thus, it is important to note that Stoll has listened to the tapes of the original Menchú interviews upon which the book is based, and has concluded that Burgos-Debray is absolutely right when she insists that "every phrase in the book comes from what Rigoberta Menchú said on the tapes."

We also learn from Stoll that the EGP retained final editorial control over the book. Ricardo Ramírez personally vetted the book for any contradictions with the EGP line—or violations of the group's secrets—before it was sent to a publisher. Among the inconvenient truths that Ramírez deleted was information that tended to absolve the Guatemalan authorities for the Spanish Embassy fire, and Menchú's account of children being used as fighters for the guerrillas. The next thing anyone knew, the colorfully garbed Menchú was all over the lecture circuit in America. An international political phenomenon had been born.

After Stoll's book, we have a pretty good idea of why Rigoberta Menchú lied. The only question remaining is why so many in North America and Europe believed her impassioned propaganda. A part of the answer, of course, is that much of the book is true—and much more of it was at least plausible, given the army's repugnant record. Like all good propaganda, *I, Rigoberta Menchú* was premised on a kernel of veracity. Thus, not even conservatives such as Dinesh D'Souza, who first attacked American academia for its fascination with the book in *Illiberal Education* in 1991, ever thought to suggest that Menchú might have concocted her story. D'Souza and others merely challenged the fact that such a plainly ideological tract should be elevated to the literary and political canon.

There is another, more disturbing reason for the public's acceptance of Menchú's story. It is that the mainstream media never raised any doubts about it, before or after Menchú went to Oslo. David Stoll's book has rightly caused an uproar; but it is an irony of this uproar that *The New York Times*, which confirmed Stoll's conclusions on December 15, 1998, should now be sharing the credit (or the blame) for exposing Menchú's lies. Actually, Stoll's book is a big fat embarrassment to the paper of record, and to the rest of the American media. After all, *I, Rigoberta Menchú* has been established as scripture for a decade and a half; and the war in Guatemala has been a preoccupation of the *Times*, in its news pages and in its opinion columns, for almost as long.

But the book's vision of simple, virtuous peasants and evil, blood-drenched landlords is the sort of political cartoon that was irresistible to too many members of the press corps in Central America. It is also the sort of vision that the press would have savaged if it had been presented from the other end of the political spectrum during the Reagan years—which is exactly how the press corps responded when the State Department in the 1980s portrayed Nicaragua's Miskito Indians as the innocent victims of the black-hatted Sandinistas. Menchú herself, by the way, sided with the Sandinistas against the Miskitos. In those days, class analysis still trumped race, gender, and sexuality. (Larry Rohter, who did the recent *Times* piece based on Stoll's book, was himself an honorable exception to the press corps's ideological tendency.) And so it transpired that the first person who undertook a skeptical and scholarly look at Menchú's influential tale was an assistant professor of anthropology from Middlebury College. One wonders how many other "facts" we have read about Latin America—the enviable health care in Cuba, or the popularity of the Zapatista rebels among Mexico's Indians—are also not exactly facts.

The credulity with which Menchú's ghastly fairy-tale was greeted in the West must also be explained in broader cultural and psychological terms. It seems incontrovertible that Menchú pulled the wool over so many eyes because she reconstructed herself romantically in the image of Western civilization's most enduring symbol of innocent victimhood. She is the noble savage; or more precisely, the noble savage after the invention of ideology.

It was Columbus himself who pioneered the notion that the Americas' indigenous people had known nothing but natural communitarian bliss before their contact with him. Upon returning from his first voyage, he wrote to Ferdinand and Isabella: "I certify to their Highnesses that there is no better land anywhere, that there are no better people: they love others as themselves and speak the sweetest language in the world."

The myth of an Edenic hero incapable of evil flourished in Rousseau and (with a different inflection) in the Marxist tradition, and in the stirring pages of *The Last of the Mohicans*, and eventually

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in what the Venezuelan political scientist Carlos Rangel has called the West's "absurd feeling of guilt" that "its civilization has corrupted the other peoples of the world, grouped as the 'Third World,' who, had they not been exposed to Western culture, would have remained happy as Adam and flawless as diamonds." In his book *The Latin Americans: Their Love-Hate Relationship with the United States*, a small classic of dissenting political analysis that first appeared in 1976, Rangel noted that the image of the noble savage also left its imprint on the radicalism of Latin America's left-wing intellectuals. In his view, these intellectuals "transmuted" the noble savage into the "good revolutionary," producing the Guevarist dogma that Latin America could recover its pre-Columbian innocence through the cleansing process of continental revolution.

This was the EGP's doctrine. It was also Rigoberta Menchú's doctrine, at least until the end of the cold war and her own celebrity made it necessary for her quietly to abandon the support for violent revolution to which she had anyway never completely owned up. Thus *I, Rigoberta Menchú* describes its author's community of Chimel, high in the misty Guatemalan mountains, as nothing less than "a paradise." As Stoll observes:

> If Rigoberta's denial of Spanish and literacy was a preemptive defense of her authenticity, brought on by racist assumptions she was encountering, then the obsessive quality of these denials suggests that she was not just doing it for her listeners. She also could have been doing it for herself. The noble savage was invented by Europeans, but it has been taken to heart by many an indigenous intellectual seeking to join the wider world on equal terms. Rigoberta would be far from the first Indian who went off to school and the city, who collided with discrimination, and who responded by idealizing her origin as a Rousseauian idyll. It takes time to learn that claims to innocence only encourage paternalism.

What is certain is that Menchú's self-invention as the downtrodden noble savage rendered her immediately useful to a revolutionary Guatemalan left that might otherwise have continued to see her only as a cook (the role that she apparently played in the safe houses of Mexico City, where she lived before going to Paris). And it rendered her immediately comprehensible to those North American academics, journalists, and church workers who like to linger over the shortcomings, real and imagined, of their own society—who feel most moral when they feel most guilty. If the defense being mounted on behalf of Rigoberta Menchú now seems especially fierce, it is because this defense is also a self-defense. A particular kind of mendacity has flourished with a particular kind of gullibility.

Stoll has forever embarrassed the mendacity and the gullibility. He is certainly harsh when he writes that "books like *I, Rigoberta Menchú* will be exalted because they tell many academics what they want to hear. Such works provide rebels in far-off places, into whom careerists can project their fantasies of rebellion. The simplistic images of innocence, oppression and defiance can be used to construct mythologies of purity for academic factions claiming moral authority on the grounds that they identify with the oppressed." Harsh, but also courageous; and not at all unfair. •

The local and unlocal art of Eudora Welty.

A Sense of Place

By Christopher Benfey

Eudora Welty has chronicled the legend and the landscape of her native state of Mississippi with such tireless brilliance that she herself has become a legendary fixture of that landscape. As a young and unknown writer, she was an enthusiastic cicerone to the likes of Henry Miller (exploring the South for his "Air-Conditioned Nightmare" of Depression America) and Elizabeth Bowen. Who wouldn't want to be shown around the ghost towns of the old Natchez Trace—the buffalo track turned Indian trail turned pioneer road—by Eudora Welty? In the following passage, from a vivid travel essay of 1944 called "Some Notes on River Country," she summons up a vanished world from the landscape of the Trace:

> Winding through this land unwarned, rounding to a valley, you will come on a startling thing. Set back in an old gray field, with horses grazing like small fairy animals beside it, is a vast ruin—twenty-two Corinthian columns in an empty oblong and an L. Almost seeming to float like lace, bits of wrought-iron balcony connect them here and there. Live cedar trees are growing from the iron black acanthus leaves, high in the empty air. This is the ruin of Windsor, long since burned. It used to have five stories and an observation tower—Mark Twain used the tower as a sight when he was pilot on the river.

We see in the mind's eye both the ruin and the empty air, but also a second layer of fantasy: the floating lace, the fairy animals, the five stories, and Twain in the tower. In such passages, Welty gives us what Wallace Stevens described as "nothing that is not there and the nothing that is."

Like Goethe in Weimar or Emerson in Concord, Eudora Welty, who will turn ninety this spring, has become one of the obligatory sights of Mississippi. So V. S. Naipaul, making his *Turn in the South* in 1988, pays a formal call on her in Jackson. They talk about the presence of the frontier in her stories, and the temperament of the Southern frontiersman. "Scare everybody, outwit everybody, beat everybody, kill everybody—that's the frontiersman's mentality," Welty explains to Naipaul. Then she quickly adds that the violence in Mississippi is "not nearly as frightening as the Northern—urban—brand." (Her much celebrated story of the murder of Medgar Evers, "Where Is the Voice Coming From?" is to some degree an attempt to blame Southern racism on the rednecks, who are the descendants of those "kill everybody" frontiersmen.) Naipaul, so conscious of the cultural privations of his Caribbean origins, wonders if living in "a frontier state" has been a limitation

Stories, Essays, & Memoir
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selected and annotated by
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Eudora: A Writer's Life
by Ann Waldron
(Doubleday, 398 pp., $25.95)

Christopher Benfey teaches literature at Mount Holyoke College and is the author of *Degas in New Orleans* (Knopf).

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for Welty "as a writer, and as a woman writer." Characteristically, she dodges the second part of the question—she has always refused the designation of "woman writer"—and reassures Naipaul that the "great variety of people" in Mississippi has given her plenty to write about. "In a place that hasn't changed much you get to know the generations. You can see the whole narrative of a town's history or a family's history."

Her own family history is woven into two late works, a tightly plotted novella called *The Optimist's Daughter*, which appeared in 1972, and her relaxed autobiographical memoir, first delivered as a set of lectures at Harvard, called *One Writer's Beginnings*, which appeared in 1984. Both these performances are thoroughly literary, crafted, and cagey about intimate details. Welty will write till the cows come home about the commanding presence of her father, a native Ohioan (and thus something of a latter-day carpetbagger) who made good as an insurance executive in Jackson. Her mother's Yankee upbringing on a mountaintop in West Virginia, with a slew of left-handed, banjo-picking brothers, is another scenario of which she never tires.

She ends her memoir with an often quoted summation: "As you have seen, I am a writer who came of a sheltered life. A sheltered life can be a daring life as well. For all serious daring starts from within." There is a quiet allusion here to a once-famous novel of the South by Ellen Glasgow, called *A Sheltered Life*, whose title is ironic. (The South must overcome its "sheltered" past and enter the modern, merciless world of technology and commerce.) There is also a fierce protection of privacy in Welty's phrasing: don't look for the daring because you'll never find it. As Welty proclaimed in 1972: "Your private life should be kept private. My own I don't think would particularly interest anybody, for that matter. But I'd guard it; I feel strongly about that. They'd have a hard time trying to find something about me."

Welty's defiance has not deterred Ann Waldron, who has produced an unauthorized but perfectly friendly and respectful new biography. Waldron notes that all was not sweetness and light in Welty's upbringing; the shelter did not cover the strains in her parents' marriage and the serious psychological difficulties of her brother Edward. Despite repeated attempts to break away, Welty kept finding herself pulled back into the orbit of the family. Travel and flight are among her great subjects, perhaps because she knew so well why people long for them.

Born in Jackson in 1909, Welty seems to have felt a deep sense of security from the start. Her father, fittingly, was a director of the Lamar Life Insurance Company in Jackson; her mother was a housewife known for her garden. As a child, Welty was a voracious reader with a special passion for Dickens and mythology. She had a schoolgirl talent for light verse and for drawing; her first publications were in high school literary magazines. Welty attended the Mississippi State College for Women, and quickly transferred to the "icy world" of the University of Wisconsin, in Madison, where she discovered Yeats and the other literary modernists. With an eye on the tottering economy, she spent a year at the Columbia Graduate School of Business, then returned to Jackson, in 1931, to pursue her twin interests of photography (which she had learned from her father, an amateur photographer, who died that same year) and writing fiction.

The overarching theme of Waldron's biography is that of the ugly duckling: the tall and gawky and odd-looking girl with a gift for comedy who makes her way through high school and college and a stint doing public relations for the WPA before settling on writing stories that didn't sell and then eventually did. As Welty traveled around Mississippi for the WPA, she also took a lot of photographs, though she was never, as is often said, a "WPA photographer."

Waldron tactfully dances around the issue of Welty's "sexuality," a term that Welty would probably find unbearable. She notes Welty's close relationships with gay men and lesbian women, especially such haughtily aristocratic writers as Elizabeth Bowen, and quotes some lush passages from Welty's correspondence with Bowen. Then Waldron concludes, correctly, that "no one knows the truth about Eudora's sexuality"—a sentence that sounds faintly parodic, as though invented by "Eudora" herself for the opening line of a story.

The kind of writer Welty had turned herself into by the 1930s was fairly familiar during the previous generation, a period that is sometimes called the golden age of the American short story. Such fin-de-siècle short story writers as Stephen Crane or Kate Chopin or Jack London could whip up a story in nothing flat, designed for a certain magazine and often for a particular time of year. This was the age of the Christmas story, of which O. Henry's "The Gift of the Magi" is merely the most enduring. Stories that herald the coming of spring, often with an Easter theme (Welty's "Livvie," a romance ending with "the bursting light

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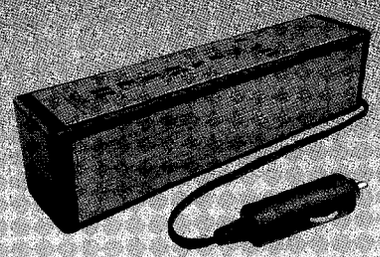

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of spring," is a fine example), or the colors of autumn, or the trials of winter, are ubiquitous in these writers' work. They were genre writers, as comfortable in the conventions of the Civil War story or the "Negro story" or the tale of Old New England (or Old New Orleans or Old California) as their editors were in asking for more just like the last one.

This was also the age of the "surprise ending," that durable invention of Poe by way of Maupassant that could suggest either the contingency of the universe or God's sure plan. At a certain point you could feel the surprise coming on, like a storm. Once in a while, though, a story would go on longer than usual, the storm would blow over, and something like a novel would emerge: *The Red Badge of Courage*, *The Awakening*, *The Call of the Wild*. But really those novels were long stories, "novellas," lacking the complex architecture of plot and the interlocking characters of the European novel as practiced by Henry James or Edith Wharton. And sometimes, as in Chopin's *The Awakening*, the surprise ending was delayed but still there, snapping the story shut like a box.

You can see the surprise-ending machinery skillfully put to use in Welty's first published story, "Death of a Traveling Salesman," which appeared in 1936. Disoriented by illness, a shoe salesman runs his car into a ditch and dazedly seeks refuge in a broken-down farmhouse inhabited by an old half-wit woman and her menacing son. He suspects a conspiracy to rob or to kill. But no, he suddenly realizes, in a searing moment of clarity. The woman is young, and pregnant to boot. The salesman has stumbled into a greater mystery than the conspiracy that he feared. "There was nothing remote or mysterious here—only something private. The only secret was the ancient communication between two people." The surprise ending, turning a thriller plot into a sentimental evocation of love in the hard-bitten 1930s farm-country, allows Welty to reaffirm her belief in the sacredness of privacy.

Welty's much-anthologized story "A Worn Path" combines the primitivizing conventions of the story of black folk, as practiced by Crane and Chopin, with the Christmas story, and its traditional message that even the lowest—the poor, the outcast, the overlooked—will find a way to celebrate. (This is the perennial Christmas surprise, from Dickens to O. Henry and on to the Grinch.) An old black woman from the rural outback walks all the way to the town of Natchez:

> It was December—a bright frozen day in the early morning. Far out in the country there was an old Negro woman with her head tied in a red rag, coming along a path through the pinewoods. Her name was Phoenix Jackson. She was very old and small and she walked slowly in the dark pine shadows, moving a little from side to side in her steps, with the balanced heaviness and lightness of a pendulum in a grandfather clock.

EUDORA WELTY BY JACK COUGHLIN FOR THE NEW REPUBLIC

She walks through the countryside through most of the day, having strange encounters with man and beast along the way. By the time she walks into town—"there ahead was Natchez shining"—she has forgotten why she came. She wanders mechanically into a doctor's office, and one attendant explains her history to another. "She doesn't come for herself—she has a little grandson. She makes these trips just as regular as clockwork. She lives away back off the Old Natchez Trace."

Her grandson, it turns out, swallowed lye many years ago. There is some doubt as to whether he is even still alive. Phoenix takes the bottle of medicine, accepts a nickel of extra charity—"It's Christmas time, Grandma," says the attendant—and informs the doctor's office staff that she is "going to the store and buy my child a little windmill they sells, made out of paper.... I'll march myself back where he is waiting, holding it straight up in this hand." She walks out of the doctor's office and, regular as the clock that is the story's reigning metaphor, starts the long way home.

Almost nothing in "A Worn Path" marks it as a work of our century. It has an 1890s feel, with its "indomitable" and allegorically named mother-figure, its Christmas theme (including allusions to the journey of the magi), its sad little sappy brave ending. It could have been published in *A Youth's Companion* or *St. Nicholas*, those staples of youthful uplift. And yet "A Worn Path" is an important story. In it Welty has already discovered the archetypal Welty plot. A person goes down a well-traveled road and strange things start to happen. It is important that the road be well-traveled, "worn." The deeply cut Natchez Trace becomes Welty's favorite setting. Welty likes well-traveled roads for two reasons. First, they are haunted:

> I have never seen, in this small section of old Mississippi River country and its little chain of lost towns between Vicksburg and Natchez, anything so mundane as ghosts, but I have felt many times there a sense of place as powerful as if it were visible and walking and could touch me.

Second, they are a suggestive analog of the storyteller's procedures, which are always twice told: to go where everyone has gone before.

But Welty had reservations about "A Worn Path." When it was chosen in 194[illegible] for the O. Henry Prize anthology, she

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remarked that another of her stories of that year, "Powerhouse," was much better. She paired the stories at the end of her first collection, *A Curtain of Green* (1941), as though inviting the reader to compare them. "A Worn Path" wins over readers because of its very wornness. We know where that old woman is going with her pinwheel held high. "Powerhouse," by contrast, is an early example of one of the stubbornly distinctive and harder-to-sell stories that Welty has written throughout her career.

Her identification with the main character in "Powerhouse," a jazz pianist modeled on Fats Waller, is far more intense than her endearing and distancing account of Phoenix. In "A Worn Path," following Phoenix along the road, Welty takes few risks of tone or topic. In "Powerhouse," she dares herself to match the improvisatory genius of her protagonist. This entails mucking around in black speech and white, in profanity and innuendo, and in what we now call ethnic stereotyping. Welty adopts an arresting point of view—a sort of sympathetic, over-the-shoulder narration fully responsive to the force that is Fats:

> Powerhouse is playing!
> He's here on tour from the city—"Powerhouse and His Keyboard"—"Powerhouse and His Tasmanians"—think of the things he calls himself! There's no one in the world like him. You can't tell what he is. "Nigger man"?—he looks more Asiatic, monkey, Jewish, Babylonian, Peruvian, fanatic, devil. He has pale gray eyes, heavy lids, maybe horny like a lizard's, but big glowing eyes when they're open. He has African feet of the greatest size, stomping, both together, on each side of the pedals.... Improvising, coming on a light and childish melody—*smooch*—he loves it with his mouth.

The story is more portrait than plot. Powerhouse plays a set at a white dance, takes his entourage down the street to a black dive, where he receives a telegram that his wife has jumped from her apartment window: "Brains and insides everywhere, Lord, Lord." Powerhouse blames the death on his old nemesis, the wonderfully named Uranus Knockwood ("Ain't ever seen it wrote out in any print, even for horse racing"), then returns to play another set.

In "Powerhouse," Welty's fun is our fun. Her admiration for Powerhouse is so evident in every line that you feel, well, she just wants to *be* Powerhouse. Welty and Waller are one. It is easy to see how Faulkner, eager to encourage a promising young writer, could get confused about just who this Eudora was. During the wartime spring of 1943, Welty received a mash note from Faulkner, perhaps the writer she most admired. "Dear Welty," he wrote. "You are doing fine. You are doing all right. I read THE GILDED SIX BITS, a friend loaned me THE ROBBER BRIDEGROOM. I have just bought the collection named GREEN something, haven't read it yet.... You are doing very fine. Is there any way I can help you? How old are you? Do you mind telling me about your background. My address is below."

Living in the same state as Faulkner, Welty once said, was "like living near a great mountain, something majestic." Her excitement over the letter was only slightly dampened by the fact that "The Gilded Six Bits" was in fact written by Zora Neale Hurston. Actually, the bourbon-abetted confusion with Hurston—the African American virtuoso of the '30s, trained in anthropology at Columbia, who collected folklore in Florida and Haiti and practiced voodoo in New Orleans—goes beyond the similarly exotic names Zora and Eudora. For really Welty and Hurston were writers with similar ambitions. Each had a WPA-era thirst to find some authentic realm of cultural vitality outside the collapsing cities. Each found in the voices of black women and men, and in black music, an echo of this authenticity. Each was deeply enmeshed in folklore, building stories and novels around tales twice told. *The Robber Bridegroom*, lent to Faulkner by a friend, is just this kind of story, an eighty-page fairy tale of loud talkers, tricksters, and rakish lovers.

A tour-de-force such as "Why I Live at the P.O." taps a similar, improvisatory source as "Powerhouse," but it is a narrower achievement. Perhaps Welty's most popular story, it employs a similarly explosive central character, this time rendered in a cascading first-person rant:

> I was getting along fine with Mama, Papa-Daddy and Uncle Rondo until my sister Stella-Rondo just separated from her husband and came back home again. Mr Whitaker! Of course I went with Mr Whitaker first, when he first appeared here in China Grove, taking "Pose Yourself" photos, and Stella-Rondo broke us up. Told him I was one sided. Bigger on one side than the other, which is a deliberate, calculated falsehood: I'm the same.

That delicious riff on one-sidedness is as good as any of Powerhouse's inventions. But this poor-white comedy is safer ground for Welty, and she allows herself to condescend to these awful people in ways that she resolutely avoids in her zestful evocation of Powerhouse.

In these early stories, Welty takes us all around her native state, using material gathered during her WPA itinerancy. She is drawn to wandering musicians and photographers, freak-show performers and con men. They are stand-ins for her, the roving storyteller; and they are enactors of the "worn path" and freak-show performance of the short story itself. Stories such as "Petrified Man" and "Keela, the Outcast Indian Maiden" do not take a Diane Arbus line on freaks as marginalized victims, alienated and alone. Welty's grotesques tend to be figures of energy and survival, in charge of their fates. Ugly ducklings, they have found ways to trade on their oddity, turning hard luck into hard cash.

Welty's wanderers regularly come upon haunted places—ruined houses and ghost towns and worn paths—but she doesn't derive from them the usual narratives of Southern Gothic fiction. The geography of Mississippi ultimately interests Welty more than its history, and she has no time at all for the great Gothic and tragic mother-vein of the Civil War. "I hate the Civil War," she once told an interviewer. "I hate it. I have never read *Gone With the Wind*. I'm totally ignorant about the Civil War.... But I just hate it, all those hideous battles and the terrible loss."

The reference to *Gone With the Wind* is the giveaway, as though the Civil War and Margaret Mitchell's novel were somehow the same thing. It is not so much the battles and the losses that Welty hates—she called one of her novels *Losing Battles*, but it is not about the War—as the literary treatment of it in nostalgic historical novels, of which there were many during the 1930s besides *Gone With the Wind*. As a displaced Yankee of sorts, Welty may also have found the Civil War an awkward subject while growing up. She tends to portray herself in her stories as a Midwesterner, like the Chicagoan in *The Optimist's Daughter*, or the young woman visiting New Orleans in "No Place for You, My Love" who assumes "a serious, now-watch-out-everybody face, which orphaned her entirely in the company of these Southerners."

Welty uses the Civil War sometimes as a marker of great age, as when she describes the young husband's clothes in "Death of a Traveling Salesman": "He wore muddy blue pants and an old military coat stained and patched. World War? Bowman wondered. Great God, it was a Confederate coat." Likewise, in "A Worn Path," when Phoenix can't remember why she walked all the way to town, she explains that she never went to school: "I was too old at the Surrender." Such references to the Civil War, rare in Welty's later writing, are themselves a convention of 1890s tales, but

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in Welty's stories they have the effect of distancing the Civil War, placing it in a remote and irrecoverable realm, rather than invoking its continuing effect on the South.

Welty attempted only one Civil War story, "The Burning," in 1950, and it is not a very good one. It probably originated as a sort of correction of Margaret Mitchell's account of Sherman's raid. Jackson was the first Southern town that Sherman burned, and Welty's portrait of helpless white ladies from a "big house" and their more resourceful black slaves is a far cry from plucky Scarlett O'Hara. "The Burning" won an O. Henry award, and Shelby Foote asked to include it in a collection of Civil War stories. Welty told him that it was the worst story she had ever written.

Yet Welty's objections to historical fiction went beyond nostalgia. She had, you might say, an epistemological objection to it. She simply did not believe that the historical past was available to fiction, and she said so on several occasions and in different ways. "I never could understand how people could write historical novels with real people speaking," she once said. At other times, as in her essay "Place in Fiction," she called the historical novel a contemporary version of the fairy tale: "Of course we shall have some sort of fairy tale with us always—just now it is the historical novel."

Welty's practice implied that the storywriter had only two genuine options in representing historical events. One was frankly to acknowledge the fairy-tale status of such recreations. *The Robber Bridegroom* (1942), Welty's lively and sweet-spirited novella of Natchez Trace lowlife, is a fairy tale from start to finish. In a critical notice in *The New York Times*, Lionel Trilling scowled about how Welty had tried to "translate the elements of European fairy tales into the lore of the American frontier," comparing it to the "coy mystifications" of Virginia Woolf. (Welty admired Woolf and didn't mind the comparison.)

The other option, according to Welty, was to acknowledge the unavailability of history, and to weave this tension into the very fabric of the story. Welty's "First Love" is her supreme example of this strategy. In it she adopts the perspective of a deaf-mute twelve-year-old boy who witnesses Aaron Burr's preparations for and subsequent escape from his trial for treason in Washington, Mississippi. We cannot hear Burr's words in the intense nocturnal conversations witnessed by the boy, nor can we hear the boy's actual account of them. The past is as sealed and as silent as Aaron Burr.

> There was a kind of dominion promised in his gentlest glance. When he first would come and throw himself down to talk and the fire would flame up and the reflections of the snowy world grew bright, even the clumsy table seemed to change its substance and to become a part of a ceremony. He might have talked in another language, in which there was nothing but evocation.... Lights shone in his eyes like travelers' fires seen far out on the river.

Welty invents a charged language of homoerotic longing, centered on gesture and glance: "One of the two men lifted his right arm—a tense, yet gentle and easy motion—and made the dark wet cloak fall back. To Joel it was like the first movement he had ever seen, as if the world had been up to that night inanimate."

A related story, also collected in *The Wide Net and Other Stories* (1943), is "A Still Moment." Three real-life wanderers—the naturalist painter Audubon, the itinerant preacher Lorenzo Dow, and the bandit and murderer James Murrell—encounter one another by chance in a clearing along the Natchez Trace. Murrell is about to murder Dow when Audubon appears. Suddenly, a white heron swoops down, and all three men are transfixed by the aura of the bird. This is the still moment of the title.

> What each of them had wanted was simply *all.* To save all souls, to destroy all men, to see and to record all life that filled this world—all, all—but now a single frail yearning seemed to go out of the three of them for a moment and to stretch toward this one snowy, shy bird in the marshes. It was as if three whirlwinds had drawn together at some center, to find there feeding in peace a snowy heron. Its own slow spiral of flight could take it away in its own time, but for a little it held them still, it laid quiet over them, and they stood for a moment unburdened....

The heron is like Wallace Stevens's jar in Tennessee: "The wilderness rose up to it, /And sprawled around, no longer wild."

Again, history at its truest does not talk; it is a series of epiphanous "still moments." "A Still Moment," as Welty noted and Waldron reports, was "the only time her writing was based on facts she had read instead of living people she had observed." It was also her own favorite among her stories, and it is easy to see why. It has lost none of its freshness and its strangeness. Indeed, the Natchez Trace stories from *The Wide Net and Other Stories* remain a neglected treasure in her collected works.

Reading through *The Wide Net* in 1944 with an eye to reviewing it, Robert Penn Warren wrote to Cleanth Brooks:

> Welty is an extremely interesting gal. I'm not inclined to think that she has gained ground in her last book, but she has plowed the same ground a little more deeply. I've been trying to define her basic theme. Fumbling in results as yet. Alienation, perhaps. All main characters are "cut-off" characters. Deaf boy. Women sex-starved, to use the tabloid word. Artists afraid of world. Little girl looking across the street at big girl. Or perhaps, not merely alienation, but vicariousness. Well, this is certainly fumbling.

Despite his discomfort with Welty's lesbian-inflected story of little girl and big girl, "The Winds," Warren does a nice job here of identifying some of Welty's dominant themes, themes that would become even clearer in her next collection, the seven linked stories of *The Golden Apples*, which appeared in 1949.

This echo-chamber of a book, following the blighted but comical lives in a derelict town, is built around allusions to poems of W. B. Yeats. It is like a loose-limbed novel, though Welty refused (against her publisher's request) to call it one. One of the stories, "June Recital," is among her best; it is a sort of pendant to "Powerhouse," with an old maid itinerant piano teacher, a Yankee of German origin, going slowly mad with longing for art and love. *The Golden Apples* displays the "gained ground" that Warren was looking for, but it is finally a bit too acquiescent to the strictures of "New Critics" such as Warren and Brooks. Its elaborate echoes of Yeats and its careful piling up of imagery show the good student of New Critical "texture," the lessons carefully learned.

It is difficult to make a strong case for Welty's novels. Sentence by sentence, they have the same improvisatory brilliance as her short stories, but they tend to lack a compelling structure. Two short novellas, *The Robber Bridegroom* and *The Optimist's Daughter*, are perfectly satisfying, and have the onward propulsion of her stories. Yet the longer performances, *Dixie Wedding* and *Losing Battles* go on and on, with short-story characters who try and fail to take on the depth and complexity of novel characters.

Welty likes to build her novels around family gatherings—weddings, funerals reunions—where characters are introduced as they arrive. In *Losing Battles*, her novel about up-country Mississippi rural white folk, the characters just keep arriving. There are so many of them—thirty or so in all—that she provides a list at the start of the novel, along with such extras as "various descendants and cousins and married kin of the Beechams." They tell each other stories, catching up (and catching the reader up) on one another's past lives. The main narrative, which we have to put together from the piece

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meal revelations of a circle of gossips, concerns Jack Renfro, who may or may not be about to be released from the state penitentiary for a comical crime involving his attempts to retrieve his mother's wedding ring.

The first hundred pages of *Losing Battles* are lively and entertaining, with Jack's picaresque escapades taking up most of the narrative. We assume that the tale—which might be called "Waiting for Jack"—will end when Jack finally comes home. Welty (as Waldron informs us) thought so too, until she opened a folder in which she had stashed some post-arrival ideas and decided to go with them, creating a short story of five hundred pages. The title comes to seem like an admission of narrative exhaustion. Welty allows herself no internal description of her characters; we learn about them from what they say and do, and from what others say about them. But she indulges in the most baroque efflorescence of metaphor in describing settings and props, and these, finally, are the true pleasures of the novel.

Here, for example, is the opening, which is typical of the novel as a whole:

> When the rooster crowed, the moon had still not left the world but was going down on flushed cheek, one day short of the full. A long thin cloud crossed it slowly, drawing itself out like a name being called. The air changed, as if a mile or so away a wooden door had swung open, and a smell, more of warmth than wet, from a river at low stage, moved upward into the clay hills that stood in darkness.
>
> Then a house appeared on its ridge, like an old man's silver watch pulled once more out of its pocket.

There is a figure of speech in every line, and each of those metaphors and similes—the flushed cheek, the called name, the open door, the silver watch—suggest aspects of the human drama about to be played on this animated stage. The pleasures of *Losing Battles* are of this local, almost miniature variety, as when a farm road—another worn path—at the beginning of the novel lies in the morning light "the color of a human palm and still more groined and horny and bare."

Richard Ford and Michael Kreyling, the editors of these fine and expertly annotated Library of America volumes, have wisely limited themselves to the stories that Welty herself collected. They have just as wisely ignored her tinkerings and revisions, sometimes forty years after the fact, for her *Collected Stories* in 1980. The nine essays selected here include such delights as "A Pageant of Birds," an account of a costume celebration of birds in a black church in Jackson. I would have welcomed some of Welty's photographs, such as the ones that she took of the bird pageant, but this seems outside the scope of the Library of America. (The family photographs in *One Writer's Beginnings* are retained.) It is hard to imagine a better or more respectful way to present Welty more or less entire.

Welty's extraordinary popularity at the moment is intriguing. Once-formidable Southern competitors such as Carson McCullers (whom Welty despised) and Katherine Anne Porter (who was Welty's mentor) seem to have gone into partial eclipse. The Christian armature of Flannery O'Connor's stories has not worn well. Other masters of the form who cover some of the same territory as Welty, such as Peter Taylor, are hardly read at all. Yet every new anthology of American short stories includes something of Welty's, and every aspiring short story writer knows a few of her stories almost by heart.

I suspect that some of this adulation is for the wrong reasons. Welty has allowed a sentimental, dear-old-Eudora aura to surround her, an impression confirmed by the ingratiating *One Writer's Beginnings*. She is known as the author of such affection-inspiring crowd-pleasers as "Why I Live at the P.O." and "A Worn Path," while tougher and better pieces of writing go unread and unremarked. Some readers who love Welty will be surprised, I think, at the sheer volume of her almost complete works—two tomes of almost a thousand pages each! And if they were to read through them, there would be more surprises still. •

TRB *continued from page 4*

worthwhile information to him about words and numbers and colors, I am also reserving an itsy-bitsy measure of blame for those members of the gay community in Britain (where "Teletubbies" originally appeared on the BBC) who turned Tinky Winky into a camp icon in the first place. They were just having fun, I know. But was it really necessary to sexualize this little corner of the culture, too? Shouldn't the fight for tolerance be staged on some more plausible battleground?

A little-noted irony of this story is the fact that "Teletubbies" has been the subject of political attacks before—from the left. Even before the first episodes aired on PBS last April, some anti-capitalist types were condemning it as an exploitative scheme to market spin-off merchandise to ever-younger consumers. "'Teletubbies,'" wrote Joyce Millman in *Salon*, "*is* indoctrination, it *is* mind-control; it *is* a transparent attempt to institute brand-recognition and consumer craving in the youngest, most innocent viewers." (So how come the Laa Laa doll Grandma bought for my boy at Toys 'R Us is languishing, barely touched, at the bottom of his toy box?)

Others found the show educationally vapid. Or, some said, it was fascistic: the latter charge appears to be based on the show's oddly high-tech ambiance, featuring large metal loudspeakers that occasionally rise up from the green grass and commandingly tell the Tubbies things like, "Time for Tubby bye-bye!"

The lesson of "Teletubbies" for adults, then, is clear: Let's all quit trying to dress up our own political squabbles as ostensible battles to save the brains and souls of our children. Those brains and souls are a good deal more resilient than parents generally realize—and a good deal more porous, too. Does anyone seriously believe that, even if a two-year-old were to get fed a dose of someone's ideology by "Teletubbies" or any other show, the lesson would still be in his consciousness by the time he turned three?

Meanwhile, my son and I are going to sit back and enjoy the show. We especially like the weird part when the Teletubbies' bellies magically transform into movie screens, whereupon a live-action film about real kids materializes and fills the whole TV screen we are watching. Just before that happens, all four Tubbies form a circle and briefly, gently, platonically embrace—at which point my kid invariably points at them and exclaims: "They love!" If this be brainwashing, then let us make the most of it.

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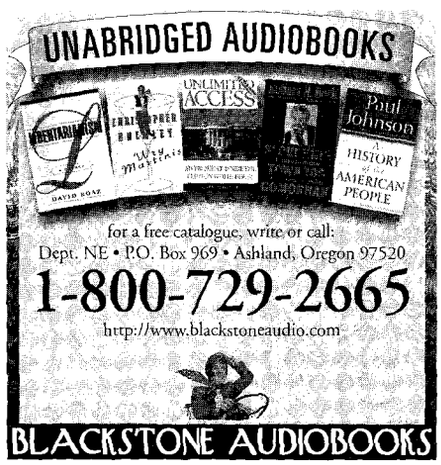

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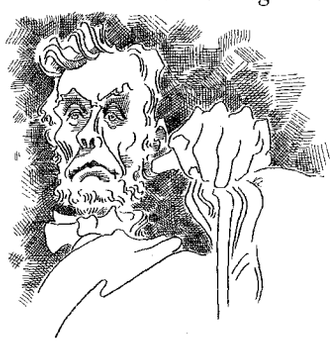
WASHINGTON DIARIST

Sid unvicious

I INITIALLY RESOLVED NOT TO write anything about the quarrel between White House aide Sidney Blumenthal and author Christopher Hitchens. I've been friends with Sid for 20 years and used to be friendly with Hitchens until about a decade ago, when he abused my trust. But, after having had my opinions taken out of context in the press, I have decided to weigh in on this unpleasant controversy.

I FIRST MET SID WHEN HE WAS writing about politics for the left-wing weekly *In These Times* and I was editing his copy. Covering the 1980 campaign together, we shared a foreboding that the Democrats would lose big. Since then, we've talked regularly. He has been a loyal friend and, to the best of my knowledge, a conscientious father and faithful husband. He hasn't fired anyone without cause or made merry with the Council of Conservative Citizens. These would be superfluous observations except that they're needed to counter the vilification to which he has been subjected in the press. This reached its reductio ad absurdum in *The Washington Post*'s review of *Rushmore*: "Schwartzman, the self-confident son of *Rocky*'s Talia Shire, wins sympathy and a great deal of affection for Max, never mind that he could grow into Sidney Blumenthal."

SID HAS WRITTEN THREE EXCELlent books on political consultants, the conservative counter-establishment, and the 1988 campaign, and he produced memorable pieces for this magazine on Gary Hart, Lyndon Johnson, Bob Kerrey, and (once upon a time) Bill Clinton. I did not like the way he covered the Clinton campaign or administration. It wasn't a question of partisanship, or of ideology, but of a kind of idolatry that made him see only the best in Clinton and the worst in his opponents. Sid is the opposite of the stereotypical journalist: His characteristic sin is not grating cynicism but worshipful credulity. I urged him to join the Clinton administration and was happy when he finally did so in 1997. (My quip, which got twisted in transmission, was that Sid would now be getting paid for what he had been doing all along.) Contrary to his detractors, he joined the administration to advance a political agenda that he identified with Clinton, Tony Blair, and the "third way," not to engage in a political war with an Ahab-like special prosecutor and his Republican mates. As far as I can tell, he has performed his duties selflessly (not seeking like other aides to enhance his own celebrity) and effectively (the assault against Clinton *has* been a right-wing conspiracy of sorts, if not a perfectly orchestrated one). In return, Clinton has ruthlessly exploited Sid's trust and credulity by lying to him and putting him in the line of Republican fire.



I BECAME CASUALLY friendly with Christopher Hitchens when we both worked for left-wing publications. I didn't like his journalism, but I admired an essay he wrote on George Orwell for *Grand Street*. I had, however, two experiences with Hitchens that soured me on him—experiences that don't show me in the best light either, by the way. Eleven years ago, as my biography of William F. Buckley was about to appear, I told Hitchens what I had learned about a prominent conservative professor and friend of Buckley's while doing research at the Hoover Institution. This professor was a patron and protector of a conservative group that was loudly attacking a liberal professor for his teaching. I had learned that the conservative professor had once threatened to sue a student for merely complaining about one of his classes to his department head. I didn't want to do the story myself because I needed Buckley's goodwill, but Hitchens was eager to write it, and I gave him the means to confirm it on the express condition that he not name me as a source. He wrote the story, and all hell broke loose. A month later I got a furious call from the professor who told me that Hitchens, after a few drinks, had told him that I had been the source of the story.

AT ALMOST THE SAME TIME, Hitchens showed me a column in which he had criticized Norman Podhoretz for comparing Gorbachev to Hitler. I was writing an essay on conservatives and decided to include this item because it perfectly illustrated the unwillingness of some conservatives to come to terms with the end of the cold war. Just to make sure, I called Hitchens to confirm that he had accurately characterized Podhoretz's words. He convinced me that this account was accurate, but, after the essay was published, I received an angry letter from Podhoretz, who enclosed the original column that he had written, which, I discovered, Hitchens had indeed mischaracterized. I published a retraction and an apology. I yelled at Hitchens on the phone and—except for a few chance contacts and an exchange of notes—have had nothing to do with him since.

LET'S ASSUME THAT HITCHENS IS telling the truth about what Sid said during their fateful March 1998 luncheon. If so, Sid misled (at best) the Republican interrogators when he said that he told no one but his wife about his conversation with Clinton. But the thrust of Sid's statement—that he did not immediately feed Clinton's January statement about the "stalker" to the press—stands up. The luncheon was nearly eight weeks after Sid and the president met, and it was as much between friends as between a journalist and his source. Anti-Clintonites are praising Hitchens for his truthfulness, but being truthful is an act defined by its context and not simply by its informative content. Hitchens chose to reveal the lunch to a band of zealots who were desperately seeking the barest inconsistency on which to hang the president and, if not him, then one of his aides. He was not legally compelled to talk to them—indeed, he had been eagerly recounting the story to advocates of impeachment. Hitchens claimed that he wanted to discredit Clinton, but his only victim was a man with whom he claimed to be close friends and who had, on balance, done little wrong. Like many of Hitchens's columns and pronouncements, his words had the aura of moral witness but smacked of old-world wickedness.

SID WILL SURVIVE THIS EXPOSURE, just as Monica Lewinsky survived Bill Clinton and Linda Tripp. But pundits like Mark Shields, who barely knows Blumenthal but who still feels free to pronounce him "a thoroughly unlikable person," would do well to ponder exactly what Sid experienced at the hands of Clinton and Hitchens. Sid is certainly no angel, and he has engaged in his share of malicious gossip. What these incidents reveal, however, is not a grandmaster of devilry and intrigue but someone too credulous for his own good.

JOHN B. JUDIS

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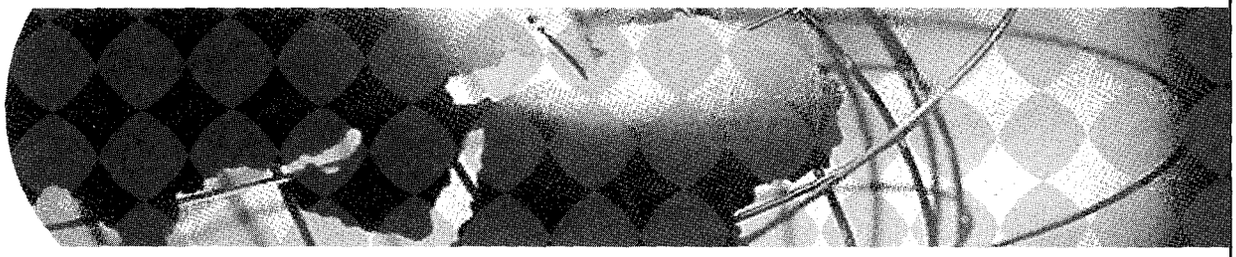

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